

# MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

## REGULAR MEETING OF SEPTEMBER 22, 2006

(Published September 30, 2006, in *Finance and Commerce*)

Council Chamber

350 South 5<sup>th</sup> Street

Minneapolis, Minnesota

September 22, 2006 - 9:30 a.m.

Council President Johnson in the Chair.

Present - Council Members Gordon, Hofstede, Ostrow, Schiff, Lilligren, Glidden, Remington, Benson, Goodman, Hodges, Samuels, President Johnson.

Absent - Colvin Roy.

Lilligren moved adoption of the agenda. Seconded.

Remington moved to amend the agenda to consider introduction of an ordinance amending Title 21 of the Minneapolis Code of Ordinances relating to *Interim Ordinances*, providing for a moratorium on building construction that exceeds the maximum height permitted as of right by the zoning code in the area of the Uptown Small Area Plan. Seconded.

Adopted upon a voice vote.

The agenda, as amended, was adopted upon a voice vote 9/22/2006.

Absent - Colvin Roy.

Lilligren moved acceptance of the minutes of the regular meeting of September 1, 2006. Seconded.

Adopted upon a voice vote 9/22/2006.

Absent - Colvin Roy.

Lilligren moved referral of petitions and communications and reports of the City officers to the proper Council committees and departments. Seconded.

Adopted upon a voice vote 9/22/2006.

Absent - Colvin Roy.

## PETITIONS AND COMMUNICATIONS

### COMMUNITY DEVELOPMENT:

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (271490)

Adult & Youth Vendor Awards Presented to Resource, Inc.

Sherman Associates/Bennett Lumber Site Housing Project (2828 Dupont Ave): Project analysis authorization.

### COMMUNITY DEVELOPMENT (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (271491)

Land Sales & Lot Divisions:

1414-1418 25th Ave N;

1125 Fremont Ave N (Outlot G);  
3207 Bryant Ave N & 2540-5th Ave S;  
1415-18th Ave NE;  
1307-09 - 21st Ave N & 2951 Penn Ave N (denial of land sale recommendation);  
1120-25th Ave N;  
414 E 26th St;  
1109 E 28th St;  
2134 Irving Ave N.

Ascension Academy Charter School (1704 Dupont Ave N): Preliminary & final approval to issue bonds for renovation & equipping of school building.

Fiscal Year 2006 HOME Program Budget.

MacPhail Center for Music: Supplemental term to ground lease agreement.

Affordable Housing Goals for 2006-2008.

2007 Federal Low-Income Housing Tax Credits: Allocation for PPL Southside Recapitalization, LLS Park Ave & PPL Van Cleve West Apartments projects.

INTERGOVERNMENTAL RELATIONS (271492)

2006 Consolidated Plan Amendments: Increasing subordinate financing in Home Ownership Works Program; Adding Affordable Ownership Housing Program to Plan; Reprogramming CDBG funds from N/CEDF Program to Adult Training & Placement Program.

**COMMUNITY DEVELOPMENT and TRANSPORTATION & PUBLIC WORKS (See Rep):**

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (271493)

Whitney Landmark Residences (150 Portland Ave S): Amended & restated pedestrian easement for Whitney Plaza.

**COMMUNITY DEVELOPMENT and WAYS & MEANS/BUDGET (See Rep):**

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (271494)

2006 Consolidated Plan: Reprogramming of CDBG funds from the N/CEDF Program to Adult Training & Placement Program.

2127 Queen Ave N Renovation: OP No. 6566 Bid acceptance for EnviroBate Metro, Inc.

**INTERGOVERNMENTAL RELATIONS:**

INTERGOVERNMENTAL RELATIONS (271495)

2007 Legislative Agenda: Public finance section issues.

**PUBLIC SAFETY AND REGULATORY SERVICES:**

INSPECTIONS DEPARTMENT (271496)

Chapter 249 Property at 2655 15th Av S.

**PUBLIC SAFETY AND REGULATORY SERVICES (See Rep):**

INSPECTIONS DEPARTMENT (271497)

Chapter 249 Property at 2431 16th Av S: Authorize demolition.

INSPECTIONS DEPARTMENT (271498)

Chapter 249 Property at 3307 Aldrich Av N: Authorize demolition.

INSPECTIONS DEPARTMENT (271499)

Chapter 249 Property at 3334 Lyndale Av N: Authorize demolition.

LICENSES AND CONSUMER SERVICES (271500)

Grumpy's Bar (2200 4th St NE): Application for On-Sale Liquor Class E with Sunday Sales License (expansion of premises for outdoor seating area on private property).

Clicquot Club Cafe (2929 E 25th St): Grant Sidewalk Cafe License.  
Starlight Coffee Shoppe (407 14th Av SE): Grant Sidewalk Cafe License.  
Azia (2550 Nicollet Av): Grant On-Sale Liquor Class E with Sunday Sales License (expansion of premises for sidewalk cafe area).  
Licenses: Applications.  
LICENSES AND CONSUMER SERVICES (271501)  
Grumpy's Bar (2200 4th St NE): Conditions relating to expansion of licensed premises for outdoor seating area on private property.

**PUBLIC SAFETY AND REGULATORY SERVICES and WAYS & MEANS/BUDGET (See Rep):**

**FIRE DEPARTMENT (271502)**

Unlawful Storage of Hazardous Waste: Accept Restitution Check of \$47,010 from United States Treasury, on behalf of defendant Hard Chrome, and authorize purchase of hazardous material equipment for Fire Department; and Approve appropriation.

**POLICE DEPARTMENT (271503)**

Paul Coverdell Forensic Laboratory Improvement Program: Accept award of \$95,000 and execute grant agreement with United States Department of Justice to purchase a new comparison macroscope for forensic toolmark examinations of firearms and ballistic evidence from crime scenes; and Approve appropriation.

Domestic Violence: Accept two-year grant award of \$750,000 from United States Department of Justice to provide funds for one full-time investigative sergeant in the Family Violence Unit; Execute contract amendments as necessary with Domestic Abuse Project, Casa de Esperanza, and Asian Women United Minnesota; and Approve appropriation.

Speed Limit Enforcement Program: Execute agreement with Minnesota Department of Public Safety to receive \$1,800 to reimburse police officer overtime costs for increased enforcement targeting speed violations and other enforcement to reduce accidents; and Approve appropriation.

Criminal Justice and Law Enforcement Educational Services: Execute contract with Minneapolis Community and Technical College for educational services.

**TRANSPORTATION AND PUBLIC WORKS:**

**PUBLIC WORKS AND ENGINEERING (271504)**

Bloomington-Lake Special Services District (SSD): Set Public Hearing for 9/26/2006 to consider establishing Bloomington-Lake SSD.

Chicago-Lake Special Services District (SSD): Set Public Hearing for 9/26/2006 to consider establishing Chicago-Lake SSD.

Minneapolis Response to Metro Transit's NW Metro (Sector 8) Transit Restructuring Study Concept Plan: Receive and file report.

Asphalt Plant: Receive and file report.

**TRANSPORTATION AND PUBLIC WORKS (See Rep):**

**PUBLIC WORKS AND ENGINEERING (271505)**

Snow and Ice Removal from Public Sidewalks: Resolution adopting and levying assessments and adopting the assessment rolls; Comments.

City Engineer: Nomination of Steven A Kotke as City Engineer.

CSAH 3 (Lake Street): Amendment to Agreement for Cost Participation in Professional Engineering, Professional Management, and Public Affairs Services.

Thru Street Designation: Repeal Thru Street designation for 52nd St E between 34th and 47th Aves S.

Talmage Av SE: Review alternatives for improving safety at at-grade Burlington Northern Santa Fe Railway Co. (BNSF) railroad crossing on Talmage Ave SE between 20<sup>th</sup> and 21<sup>st</sup> Aves SE; Comments.

**TRANSPORTATION AND PUBLIC WORKS and PUBLIC SAFETY AND REGULATORY SERVICES:**

**PUBLIC WORKS AND ENGINEERING (271506)**

Interim Sidewalks and Boulevards Standards and Guidelines: Receive and file interim guidelines.

**TRANSPORTATION AND PUBLIC WORKS and WAYS & MEANS/BUDGET (See Rep):**

**PUBLIC WORKS AND ENGINEERING (271507)**

Transfer of Bus Shelter Franchise: Amend Appendix G of Code to transfer bus shelter franchise from Transtop to CBS Outdoor and extend franchise termination date to 2015.

Fridley Lagoons Hauling Project: Amend contract with Mountain Environmental, Inc by \$200,000.

Automated Snow Emergency Alerts: Extend contract with SwiftReach Networks, Inc. for automated alerts regarding snow emergencies and other purposes.

Water Treatment Plant Residual Lagoon 8: Amend contract with Landwehr Construction, Inc. by \$25,446.51.

Heritage Park Infrastructure Work: Increase appropriation for work from allocations from Mississippi Watershed Management Organization and contractor fees.

Fridley Membrane Filtration Plant: Negotiate and execute agreement for engineering services with CH2M Hill, Inc for design and construction of plant.

Stormwater Management Projects: Authorize joint funding agreement with Minneapolis School Board for alternative stormwater management projects.

Bids: Accept: a) OP 6518, bid of Pall Corporation for Ultrafiltration Equipment for Fridley Membrane Filtration Plant; and b) OP 6654, low bid of Prairie Restoration, Inc. for wetland establishment and general landscaping.

**WAYS AND MEANS/BUDGET (See Rep):**

**ATTORNEY (271508)**

Legal Settlements: a) Kevin Stoll; and b) Dahlen Sign Company, Truong Xuan Mai & Lighttech, Inc.; and approved Consent Judgment.

Master Legal Services Agreement: Authorize City Attorney to amend the "Master Agreement" with the Kaplan, Kirsch, and Rockwell, LLP, not to exceed \$900,000.

Legal Services Panels: Authorize issuance for RFP.

**BUSINESS INFORMATION SERVICES (BIS) (271509)**

Computer-Aided Dispatch System: Authorize execution of contract with Hennepin County Medical Center (HCMC), and University of Minnesota (U of M) to generate revenue over a 5 year period for mobile equipment capabilities, support, and maintenance.

Citywide Broadband Wireless Initiative: Approved amended language to contract Term Sheet.

**COMMUNICATIONS (271510)**

Utility Bill Inserts: Authorize December 2006 utility billing insert announcing the Minneapolis 3-1-1 information and services this winter.

**CONVENTION & VISITORS ASSOCIATION OF GREATER MPLS (271511)**

Meet Minneapolis: Payment of the balance of the 2005 proceeds of the 1% City lodging tax increase to Meet Minneapolis as part of their 2006 operating budget.

Meet Minneapolis Donation: a) Accept \$197,000 from the non-profit Convention Events Fund to provide payment for expenses incurred for qualifying events; and b) Approve appropriation of funds.

**COORDINATOR (271512)**

New Central Library Project - Change Order: Approve Change Order No. 16 increasing Contract Number C-20481 with PCL Construction Services, Inc. (\$453,824).

**HUMAN RESOURCES (271513)**

Medical Insurance: Authorize contract with Medica as the selected provider for City employees from 2007 through 2009.

**ZONING AND PLANNING:**

HERITAGE PRESERVATION COMMISSION (271514)

Appeal:

DeLaSalle Athletic Facility (25 W Island Ave and 201 E Island Ave): re decision of the HPC denying Certificate of Appropriateness.

**ZONING AND PLANNING (See Rep):**

INSPECTIONS/BOARD OF ADJUSTMENT (271515)

Appeal:

Catherine Monnens (re Soho Condominiums, 718 Washington Ave N): re decision of BOA to deny variances for installation of a new sign.

PLANNING COMMISSION/DEPARTMENT (271516)

Appeal:

Jeannie Czupryna (re Children's Dental Services, 636 Broadway St NE): re decision of CPC approving site plan review.

Zoning Code Text Amendments:

Ordinance amending Title 20, Chapter 525, re Minimum Width Requirements for 1 to 4 Unit Residential Buildings.

Ordinance amending Title 20, Chapter 535, re Communication Antennas in the Downtown Area.

Ordinance amending Title 20, Chapter 544, re Downtown Entertainment Billboard District.

Rezoning:

A Mill Historic Complex (300 & 400 2nd St SE; 100 3rd Ave SE; 113 6th Ave SE; and 199 and 413-501 Main St SE).

**MOTIONS:**

PLANNING COMMISSION/DEPARTMENT (271516.1)

Vacation:

Ackerberg Group (vicinity of 1101 W Broadway Ave, 1831 Emerson Ave N, 1834, 1836, 1838 Fremont Ave N): vacating a "T-shaped" alley for a commercial building and parking.

Rezoning:

Ackerberg Group (vicinity of 1101 W Broadway Ave, 1831 Emerson Ave N, 1834, 1836, 1838 Fremont Ave N).

**FILED:**

CHARTER COMMISSION (271517)

Review of proposed Charter revision (Draft 9) by Barret Lane, outside counsel for City Attorney's Office including annotations and coded reference.

MINNESOTA STATE OFFICES-State Auditor (271518)

Park & Recreation Bd, Mpls, Ltr & Management & Compliance report, 12/31/2005.

KARCH, MICHAEL, NOB HILL INVESTMENTS LLC (271519)

Vacate the East 10 feet of the 22' alley which was originally taken for widening and opening an alley, Book of Deeds 768, page 416. Effectively the portion of the alley taken for widening at the rear of 3107, 3021, and 3027 Holmes Ave S. Lots 7 & 8, Block 16 and Lot 12, Block 27 Calhoun Park.

ROCKENSTEIN, WALTER H. II, ATTY PACIFIC FLATS, LLC (271520)

Vacate all of the alley in Block 34, Town of Minneapolis, which is bounded by Washington Ave N, 3rd Ave N, 2nd St N and 2nd Ave N, for the Pacific Development, mixed-use redevelopment.

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*The following reports were signed by Mayor Rybak on September 27, 2006, unless noted otherwise. Minnesota Statutes, Section 331A.01, Subd 10, allows for summary publication of ordinances and resolutions in the official newspaper of the city.*

## REPORTS OF STANDING COMMITTEES

The **COMMUNITY DEVELOPMENT** Committee submitted the following reports:

**Comm Dev** - Your Committee recommends that the proper City officers be authorized to submit to the U.S. Department of Housing and Urban Development (HUD) the following proposed amendments to the 2006 HUD Consolidated Plan:

- a) Increase subordinate financing amount in the Home Ownership Works Program;
- b) Add Affordable Ownership Housing Program to the plan; and
- c) Reprogram Community Development Block Grant funds from the Neighborhood/Commercial Economic Development Fund Program to the Adult Training and Placement Program.

Adopted 9/22/2006.

Absent - Colvin Roy.

**Comm Dev** - Your Committee recommends passage of the accompanying resolution authorizing sale of the properties at 1414 - 25th Ave N and 1418 - 25th Ave N to Twin Cities Habitat for Humanity, Inc for \$1 for each parcel, subject to the following conditions:

- a) Land sale closing must occur on or before 30 days from date of City Council approval; and
- b) Payment of holding costs of \$150 per month, per parcel, from the date of City Council approval to the date of closing if land sale closing does not occur on or before 30 days from date of approval.

The sale conditions may be waived or amended with the approval of the Director of the Department of Community Planning & Economic Development.

Adopted 9/22/2006.

Absent - Colvin Roy.

Resolution 2006R-463, authorizing sale of land Vacant Housing Recycling Program Disposition Parcels No VH-210 and VH-167 (1414 and 1418 - 25th Ave N), was adopted 9/22/2006 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

### RESOLUTION 2006R-463

By Goodman

#### **Authorizing sale of land Vacant Housing Recycling Program Disposition Parcels No VH-210 and VH-167 (1414 and 1418 - 25th Ave N).**

Whereas, the City of Minneapolis, hereinafter known as the City, has received an offer to purchase and develop Disposition Parcels VH-210 and VH-167, in the Jordan neighborhood, from Twin Cities Habitat for Humanity, Inc. (TCHF), hereinafter known as the Redeveloper, the Parcels VH-210 and VH-167, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

VH-210; 1414 25th Avenue North: Lot 11, Block 1, Forest Heights;

VH-167; 1418 25th Avenue North: Lot 10, Block 1, Forest Heights; and

Whereas, the Redeveloper has offered to pay the sum of \$1 each, for Parcels VH-210 and VH-167 to the City for the land, and the Redeveloper's proposal is in accordance with the a Memorandum of Understanding between the City and TCHF dated December 7, 1998, as amended September 29, 2005 (MOU); and

Whereas, the Redeveloper has submitted to the City a statement of financial responsibility and qualifications; and



Whereas, the City has had the re-use value reviewed by an appraisal expert, stating that the re-use value opinion is consistent with the accepted methods in aiding the City in determining a re-use value for the Parcel; and

Whereas, pursuant to due notice thereof published in *Finance and Commerce* on September 1, 2006, a public hearing on the proposed sale was duly held on September 12, 2006, at the regularly scheduled Community Development Committee meeting of the City Council, at the Minneapolis City Hall, 350 South 5th Street, Room 317, at 1:30 p.m., in the City of Minneapolis, County of Hennepin, State of Minnesota;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the re-use value of the parcel is estimated to be \$13,000 for VH-210 (1414 25th Avenue North) and \$15,000 for VH-167 (1418 25th Avenue North); however, in accordance with and for such uses as described in the MOU, the City is selling VH-210 and VH-167 for the sum of \$1 each.

Be It Further Resolved that the acceptance of the offer and proposal is hereby determined to be in accordance with the City's approved disposition policy and it is further determined that the Redeveloper possesses the qualifications and financial resources necessary to acquire and develop the parcel in accordance with the Redevelopment Plan and/or Program.

Be It Further Resolved that the proposal be and the same is hereby accepted, subject to the execution of a contract for the sale of land and further subject to the following conditions; 1) land sale closing must occur on or before 30 days from the date this Resolution is approved by the City and 2) payment of holding costs of \$150.00 per month per parcel from the date of approval of this Resolution if the land sale closing does not occur on or before 30 days from the date of approval.

Be It Further Resolved that the sale conditions described above may be waived or amended with the approval of the Community Planning & Economic Development Director.

Be It Further Resolved that upon publication of this Resolution, the Finance Officer or other appropriate official of the City be and the same is hereby authorized to execute and deliver the contract to the Redeveloper; provided, however, that this Resolution does not constitute such a contract and no such contract shall be created until executed by the Finance Officer or other appropriate official of the City.

Be It Further Resolved that the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver a conveyance of the land to the Redeveloper in accordance with the provisions of the executed contract and upon payment to the City for the purchase price thereof; provided, however, that this Resolution does not constitute such a conveyance and no such conveyance shall be created until executed by the Finance Officer or other appropriate City official of the City.

Adopted 9/22/2006.

Absent - Colvin Roy.

**Comm Dev** - Your Committee recommends passage of the accompanying resolution authorizing sale of the property at 1125 Fremont Ave N (Outlot G) to Parkview Associates as sideyard for \$1, subject to the following conditions:

- a) Land sale closing must occur on or before 30 days from date of City Council approval; and
- b) Payment of holding costs of \$150 per month from the date of City Council approval to the date of closing if land sale closing does not occur on or before 30 days from date of approval.

The sale conditions may be waived or amended with the approval of the Director of the Department of Community Planning & Economic Development.

Adopted 9/22/2006.

Absent - Colvin Roy.

Resolution 2006R-464, authorizing sale of land Disposition Parcel No HP-12 (1125 Fremont Ave N), was adopted 9/22/2006 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2006R-464**

**By Goodman**

**Authorizing sale of land Disposition Parcel No HP-12 (1125 Fremont Ave N).**

Whereas, the City of Minneapolis, hereinafter known as the City, has received an offer to purchase the Disposition Parcel HP-12, in the Heritage Park neighborhood, from Parkview Associates, hereinafter known as the Purchaser, the Parcel HP-12, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

Legal Description of HP-12; 1125 Fremont Avenue North (Outlot G): Outlot G, City of Minneapolis Heritage Park Plat 2. Being registered property as is evidenced by Certificate of Title No. 1150240; and

Whereas, the Purchaser has offered to pay the sum of \$1, for Parcel HP-12, to the City for the land; and

Whereas, the Purchaser has submitted to the City a statement of financial responsibility and qualifications; and

Whereas, on March 11, 2005, City Council approved the waiving of the Planning Commission's review of certain real estate transactions (including dispositions of non-buildable parcels) that have no relationship to the City's Comprehensive Plan; and

Whereas, the City has determined the offer of \$1 to purchase the Parcel to be reasonable; and

Whereas, the City has had the re-use value reviewed by an appraisal expert, stating that the re-use value opinion is consistent with the City's accepted methods in determining a re-use value for the Parcel; and

Whereas, the City's Real Estate Disposition Policy provided in Section 2.2.13 for the sale of land for sideyard; and

Whereas, pursuant to due notice thereof published in *Finance and Commerce* on September 1, 2006, a public hearing on said proposal and proposed sale and the provisions thereof, was duly held on September 12, 2006, at the Minneapolis City Hall, 350 South 5th Street, Room 317, at 1:30 p.m., in the City of Minneapolis, County of Hennepin, State of Minnesota;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the re-use value for the HP-12 is hereby estimated to be the sum of \$1.

Be It Further Resolved that the acceptance of the offer and Purchaser's proposal is hereby determined to be in accordance with the City's approved disposition policy and it is further determined that the Purchaser possesses the qualifications and financial resources necessary to acquire and maintain the Parcel in accordance with the contract for the sale of land.

Be It Further Resolved that the offer is hereby accepted, subject to the execution of a contract for the sale of land and further subject to the following conditions; 1) land sale closing must occur on or before 30 days from the date this Resolution is approved by the City and 2) payment of holding costs of \$150.00 per month from the date of approval of this Resolution if the land sale closing does not occur on or before 30 days from the date of approval.

Be It Further Resolved that the sale conditions described above may be waived or amended with the approval of the Community Planning & Economic Development (CPED) Director.

Be It Further Resolved that upon publication of this Resolution, the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver the contract to the Purchaser; provided, however, that this Resolution does not constitute such a contract and no such contract shall be created until executed by the Finance Officer or other appropriate official of the City.

Be It Further Resolved that the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver a conveyance of the land to the Purchaser in accordance with the provisions of the executed contract and upon payment to the City of the purchase price thereof; provided, however, that this Resolution does not constitute such a conveyance and no such conveyance shall be created until executed by the Finance Officer or other appropriate official of the City.

Adopted 9/22/2006.

Absent - Colvin Roy.



**Comm Dev** - Your Committee recommends passage of the accompanying resolutions authorizing the sale of properties at 3207 Bryant Ave N for the fair market value of \$166,000 and 2540 - 5th Ave S for the fair market value of \$180,000 to a qualified Home Ownership Works (HOW) Program purchaser, subject to the following conditions:

- a) Land sale closing must occur on or before 60 days from date of offer acceptance; and
- b) Payment of holding costs of \$150 per month from the date of offer acceptance to the date of closing if land sale closing does not occur on or before 60 days from date of offer acceptance.

The sale conditions may be waived or amended with the approval of the Director of the Department of Community Planning & Economic Development.

Your Committee further recommends approval of a second mortgage affordability loan in accordance with the HOW Program guidelines of not more than \$30,000 for each property if necessary.

Adopted 9/22/2006.

Absent - Colvin Roy.

Resolution 2006R-465, authorizing sale of land Homeownership Works Program Disposition Parcel No. HOME 59 (3207 Bryant Ave N), was adopted 9/22/2006 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2006R-465**

**By Goodman**

**Authorizing sale of land Homeownership Works Program Disposition Parcel No. HOME 59 (3207 Bryant Ave N).**

Whereas, the City of Minneapolis, hereinafter known as the City, has adopted Home Ownership Works Program Guidelines pursuant to which the City purchases residential properties that are renovated or upon which a new home is constructed which is then offered for sale to target buyers under the program; and

Whereas, the City has acquired Parcel HOME 59, in the Home Ownership Works (HOW) Program upon which the existing home was renovated or a new home was constructed, the Parcel HOME 59, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

LEGAL DESCRIPTION of HOME 59; 3207 Bryant Avenue North: Lot 5, Block 39, Baker's 4<sup>th</sup> Addition to Minneapolis; and

Whereas, the City has had the fair market value reviewed by an appraisal expert, stating that the fair market value opinion is consistent with accepted methods in aiding the City in determining market value for the Parcel; and

Whereas, pursuant to due notice thereof published in *Finance and Commerce* on September 1, 2006, a public hearing on the proposed sale was duly held on September 12, 2006 at the regularly scheduled Community Development Committee meeting of the City Council, at the Minneapolis City Hall, 350 South 5th Street, Room 317, at 1:30 p.m., in the City of Minneapolis, County of Hennepin, State of Minnesota;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the fair market value in accordance with the City's Homeownership Works Program, as amended, is hereby estimated to be the sum of \$166,000 for Parcel HOME 59.

Be It Further Resolved that the sale of the parcel pursuant to the Home Ownership Works Program is hereby determined to be in accordance with the City's approved Department of Community Planning & Economic Development (CPED) disposition policy.

Be It Further Resolved that the sale of the parcel is hereby approved, subject to the execution of a contract for the sale of land consistent with the Home Ownership Works Program Guidelines and further subject to the following conditions; 1) land sale closing must occur on or before 60 days from

the date of offer acceptance and 2) payment of holding costs of \$150.00 per month from the date of approval of this Resolution if the land sale closing does not occur on or before 60 days from the date of offer acceptance.

Be It Further Resolved that the sale conditions described above may be waived or amended with the approval of the CPED Director.

Be It Further Resolved that upon publication of this Resolution, the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver a contract to a qualified Purchaser; provided, however, that this Resolution does not constitute such a contract and no such contract shall be created until executed by the Finance Officer or other appropriate official of the City.

Be It Further Resolved that the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver a conveyance of the land to a qualified Purchaser in accordance with the provisions of the executed contract and upon payment to the City for the purchase price thereof; provided, however, that this Resolution does not constitute such a conveyance and no such conveyance shall be created until executed by the Finance Officer or other appropriate official of the City.

Adopted 9/22/2006.

Absent - Colvin Roy.

Resolution 2006R-466, authorizing sale of land Homeownership Works Program Disposition Parcel No. HOME 70 (2540 - 5th Ave S), was adopted 9/22/2006 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2006R-466**  
**By Goodman**

**Authorizing sale of land Homeownership Works Program Disposition Parcel No. HOME 70 (2540 - 5th Ave S).**

Whereas, the City of Minneapolis, hereinafter known as the City, has adopted Home Ownership Works Program Guidelines pursuant to which the City purchases residential properties that are renovated or upon which a new home is constructed which is then offered for sale to target buyers under the program; and

Whereas, the City has acquired Parcel HOME 70, in the Home Ownership Works (HOW) Program upon which the existing home was renovated or a new home was constructed, the Parcel HOME 70, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

LEGAL DESCRIPTION of HOME 70; 2540 5<sup>th</sup> Avenue South: The North 40 feet of Lot 10, Crosby and Harvey's Addition to Minneapolis, AND The North 40 feet of Lot 9, Crosby and Harvey's Addition to Minneapolis, EXCEPT that part which lies Northwesterly of the following described line: Beginning at a point on the North line of Lot 8, said Crosby and Harvey's Addition, distant 105 feet West of the Northeast corner thereof; ;thence run Southwesterly to a point on the West line of said Lot 10, distant 85 feet North of the Southwest corner thereof and there terminating; all according to the recorded plat thereof, and situate in Hennepin County, Minnesota; and

Whereas, the City has had the fair market value reviewed by an appraisal expert, stating that the fair market value opinion is consistent with accepted methods in aiding the City in determining market value for the Parcel; and

Whereas, pursuant to due notice thereof published in *Finance and Commerce* on September 1, 2006, a public hearing on the proposed sale was duly held on September 12, 2006 at the regularly scheduled Community Development Committee meeting of the City Council, at the Minneapolis City Hall, 350 South 5th Street, Room 317, at 1:30 p.m., in the City of Minneapolis, County of Hennepin, State of Minnesota;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the fair market value in accordance with the City's Homeownership Works Program, as amended, is hereby estimated to be the sum of \$180,000 for Parcel HOME 70.

Be It Further Resolved that the sale of the parcel pursuant to the Home Ownership Works Program is hereby determined to be in accordance with the City's approved Department of Community Planning & Economic Development (CPED) disposition policy.

Be It Further Resolved that the sale of the parcel is hereby approved, subject to the execution of a contract for the sale of land consistent with the Home Ownership Works Program Guidelines and further subject to the following conditions; 1) land sale closing must occur on or before 60 days from the date of offer acceptance and 2) payment of holding costs of \$150.00 per month from the date of approval of this Resolution if the land sale closing does not occur on or before 60 days from the date of offer acceptance.

Be It Further Resolved that the sale conditions described above may be waived or amended with the approval of the CPED Director.

Be It Further Resolved that upon publication of this Resolution, the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver a contract to a qualified Purchaser; provided, however, that this Resolution does not constitute such a contract and no such contract shall be created until executed by the Finance Officer or other appropriate official of the City.

Be It Further Resolved that the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver a conveyance of the land to a qualified Purchaser in accordance with the provisions of the executed contract and upon payment to the City for the purchase price thereof; provided, however, that this Resolution does not constitute such a conveyance and no such conveyance shall be created until executed by the Finance Officer or other appropriate official of the City.

Adopted 9/22/2006.

Absent - Colvin Roy.

**Comm Dev** - Your Committee recommends passage of the accompanying resolution authorizing sale of the property at 1415 - 18th Ave NE to Hartman & Son Builders, Inc for \$30,000, subject to the following conditions:

- a) Land sale closing must occur on or before 30 days from date of City Council approval;
- b) Payment of holding costs of \$150 per month from the date of City Council approval to the date of closing if land sale closing does not occur on or before 30 days from date of approval.

If Hartman & Son Builders, Inc fails to close, authorization is given for sale of said property to Jay Nord for \$30,000, subject to the following conditions:

- 1) Land sale closing must occur on or before 30 days from date of City notification;
- 2) Payment of holding costs of \$150 per month from the date of notification to the date of closing if land sale closing does not occur on or before 30 days from date of City notification.

The sale conditions may be waived or amended with the approval of the Director of the Department of Community Planning & Economic Development.

Adopted 9/22/2006.

Absent - Colvin Roy.

Resolution 2006R-467, authorizing sale of land Tax Forfeiture Program Disposition Parcel No TF-661 (1415 - 18th Ave NE), was adopted 9/22/2006 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2006R-467**

**By Goodman**

**Authorizing sale of land Tax Forfeiture Program Disposition Parcel No TF-661 (1415 - 18th Ave NE).**

Whereas, the City of Minneapolis, hereinafter known as the City, has received an offer to purchase and develop disposition Parcel TF-661, in the Windom Park neighborhood, from Hartman & Son Builders, Inc., hereinafter known as the Redeveloper, and two additional offers to purchase and develop Parcel TF-661 from Jay Nord and Howey Properties, LLC, hereinafter known as the Alternate Redevelopers, the Parcel TF-661, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

LEGAL DESCRIPTION of TF-661; 1415 18th Ave NE: The West 56 feet of Lots 11 and 12, Block 15, Lincoln Street Supplement to East Side Addition to Minneapolis; and

Whereas, the Redeveloper has offered to pay the sum of \$30,000, for Parcel TF-661 to the City for the land, and the Redeveloper's proposal is in accordance with the applicable Redevelopment Plan and/or Program; and

Whereas, the Alternate Redevelopers have each offered to pay the sum of \$30,000 for Parcel TF-661 to the City for the land, and the Alternate Redevelopers' proposals are in accordance with the applicable Redevelopment Plan and/or Program; and

Whereas, the Redeveloper and the Alternate Redevelopers have submitted to the City statements of financial responsibility and qualifications; and

Whereas, the City has had the re-use value reviewed by an appraisal expert, stating that the re-use value opinion is consistent with the accepted methods in aiding the City in determining a re-use value for the Parcel; and

Whereas, pursuant to due notice thereof published in *Finance and Commerce* on September 1, 2006, a public hearing on the proposed sale was duly held on September 12, 2006, at the regularly scheduled Community Development Committee meeting of the City Council, at the Minneapolis City Hall, 350 South 5th Street, Room 317, at 1:30 p.m., in the City of Minneapolis, County of Hennepin, State of Minnesota;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the re-use value for uses in accordance with the Tax Forfeiture Program plan, as amended, is hereby estimated to be the sum of \$30,000 for Parcel TF-661.

Be It Further Resolved that the acceptance of the offers and proposals are all hereby determined to be in accordance with the City's approved disposition policy, and it is further determined that the Redeveloper and the Alternate Redevelopers all possess the qualifications and financial resources necessary to acquire and develop the parcel in accordance with the Redevelopment Plan and/or Program, but that the City prefers the Redeveloper's proposal over the Alternate Redevelopers' proposals.

Be It Further Resolved that the Redeveloper's proposal is hereby accepted, subject to the execution of a contract for the sale of land and further subject to the following conditions; 1) land sale closing must occur on or before 30 days from the date this Resolution is approved by the City and 2) payment of holding costs of \$150.00 per month from the date of approval of this Resolution if the land sale closing does not occur on or before 30 days from the date of approval.

Be It Further Resolved that if and only if Redeveloper fails to close on the land sale pursuant to the conditions described above, the proposal of Alternate Redeveloper Jay Nord is hereby accepted, subject to the execution of a contract for the sale of land and further subject to the following conditions; 1) land sale closing must occur on or before 30 days from the date of City notification to the Alternate Redeveloper Jay Nord, and 2) payment of holding costs of \$150.00 per month from the date of notification if the land sale closing does not occur on or before 30 days from the date of City notification to the Alternate Redeveloper Jay Nord.

Be It Further Resolved that if and only if Alternate Redeveloper Jay Nord fails to close on the land sale pursuant to the conditions described above, the proposal of Alternate Redeveloper Howey Properties, LLC is hereby accepted, subject to the execution of a contract for the sale of land and further subject to the following conditions; 1) land sale closing must occur on or before 30 days from the date of City notification to the Alternate Redeveloper Howey Properties, LLC., and 2) payment of holding costs of \$150.00 per month from the date of notification if the land sale closing does not occur on or before 30 days from the date of City notification to Alternate Redeveloper Howey Properties, LLC.

Be It Further Resolved that the sale conditions described above may be waived or amended with the approval of the Director of Community Planning & Economic Development. Furthermore, that the

Finance Officer or other appropriate official of the City is hereby authorized consistent with the terms herein to execute and deliver the contract to the Redeveloper or Alternate Redevelopers, as appropriate; provided, however, that this Resolution does not constitute such a contract and no such contract shall be created until executed by the Finance Officer or other appropriate official of the City.

Be It Further Resolved that the Finance Officer or other appropriate official of the City is hereby authorized consistent with the terms herein to execute and deliver a conveyance of the land to the Redeveloper or the Alternate Redevelopers as appropriate in accordance with the provisions of the executed contract and upon payment to the City for the purchase price thereof; provided, however, that this Resolution does not constitute such a conveyance and no such conveyance shall be created until executed by the Finance Officer or other appropriate City official of the City.

Adopted 9/22/2006.

Absent - Colvin Roy.

**Comm Dev** - Your Committee recommends concurrence in the recommendation of the Department of Community Planning & Economic Development to deny the sale of properties at 1307-09 - 21st Ave N and 2951 Penn Ave N for \$1 each to Twin Cities Habitat for Humanity, Inc.

Adopted 9/22/2006.

Absent - Colvin Roy.

**Comm Dev** - Your Committee, having under consideration development of 1120 - 25th Ave N, now recommends passage of the accompanying resolutions:

a) Approving the subdivision of a lot at 1120 - 25th Ave N;

b) Authorizing sale of the south half of property at 1120 - 25th Ave N to Tomas Fernandez for \$350, subject to the following conditions:

1) Land sale closing must occur on or before 30 days from date of City Council approval;

2) Payment of holding costs of \$150 per month from the date of City Council approval to the date of closing if land sale closing does not occur on or before 30 days from date of approval.

c) Authorizing sale of the north half of property at 1120 - 25th Ave N to James L. Bromenschenkel for \$350, subject to the following conditions:

1) Land sale closing must occur on or before 30 days from date of City Council approval;

2) Payment of holding costs of \$150 per month from the date of City Council approval to the date of closing if land sale closing does not occur on or before 30 days from date of approval.

The sale conditions may be waived or amended with the approval of the Director of the Department of Community Planning & Economic Development.

Adopted 9/22/2006.

Absent - Colvin Roy.

Resolution 2006R-468, approving the subdivision of a lot at 1120 - 25th Ave N, was adopted 9/22/2006 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2006R-468**

**By Goodman**

**Approving the subdivision of a lot at 1120 25<sup>th</sup> Avenue North.**

Whereas, the City of Minneapolis, through its department of Community Planning & Economic Development ("CPED") has requested that a parcel of land located at 1120 25<sup>th</sup> Avenue and legally described as the East 38 feet of the West 118 feet of Lots 8 and 9, Block 29, Highland Park Addition to the City of Minneapolis; Being registered land as is evidenced by Certificate of Title No. 1142750; And the East 39 feet of Lots 8 and 9, Block 29, Highland Park Addition to the City of Minneapolis, be subdivided as follows:



**JOR 94-9 & 10A; 1120 25<sup>th</sup> Avenue N (South ½):** The East 77.00 feet of Lot 8, Block 29, Highland Park Addition to the City of Minneapolis. A portion being registered land as is evidenced by Certificate of Title No. 1142750;

**JOR 94-9 & 10B; 1120 25<sup>th</sup> Avenue N (North ½):** The East 77.00 feet of Lot 9, Block 29, Highland Park Addition to the City of Minneapolis. A portion being registered land as is evidenced by Certificate of Title No. 1142750; and

Whereas, CPED intends to convey the subdivided parcels listed above to the owners of the adjacent properties with the following parcels:

**JOR 94-9 & 10A; 2500 Fremont Av N:** The west 80.00 feet of Lot 8, Block 29, Highland Park Addition to the City of Minneapolis;

**JOR 94-9 & 10B; 2504 Fremont Av N:** The west 80.00 feet of Lot 9, Block 29, Highland Park Addition to the City of Minneapolis;

Whereas, the proposed subdivision conforms with Minnesota Statutes Section 462.358 and Land Subdivision Regulations adopted by the Minneapolis City Council on July 14, 1995; and

Whereas, pursuant to due notice thereof published in Finance and Commerce on September 1, 2006, a public hearing on said subdivision and proposed sale was duly held in a meeting of the Community Development Committee of the City Council at 1:30 p.m., September 12, 2006 in Room 319, Minneapolis City Hall, 350 South 5th Street, in the City of Minneapolis, County of Hennepin, State of Minnesota;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the division of the above described property be approved and the requirement of a subdivision plat be waived.

Be It Further Resolved that a certified copy of this resolution shall be attached to the deeds conveying the subdivided parcels.

Adopted 9/22/2006.

Absent - Colvin Roy.

Resolution 2006R-469, authorizing sale of land Disposition Parcel No JOR 94-9 & 10A (1120 - 25th Ave N - south half), was adopted 9/22/2006 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2006R-469**

**By Goodman**

**Authorizing sale of land Disposition Parcel No JOR 94-9 & 10A (1120 - 25th Ave N - south half).**

Whereas, the City of Minneapolis, hereinafter known as the City, has received an offer to purchase the Disposition Parcel JOR 94-9 & 10A, in the Jordan neighborhood, from Tomas Fernandez, hereinafter known as the Purchaser, the Parcel JOR 94-9 & 10A, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

Legal Description of JOR 94-9 & 10A; 1120 25th Avenue North (south one-half): The East 77.00 feet of Lot 8, Block 29, Highland Park Addition to the City of Minneapolis. A portion being registered property as is evidenced by Certificate of Title No. 1142750; and

Whereas, the Purchaser has offered to pay the sum of \$350, for Parcel JOR 94-9 & 10A, to the City for the land; and

Whereas, the Purchaser has submitted to the City a statement of financial responsibility and qualifications; and

Whereas, on March 11, 2005, City Council approved the waiving of the Planning Commission's review of certain real estate transactions (including sideyard dispositions) that have no relationship to Comprehensive Plan; and



Whereas, the City has determined the offer of \$350 to purchase the Parcel to be reasonable; and

Whereas, the City has had the re-use value reviewed by an appraisal expert, stating that the re-use value opinion is consistent with the City's accepted methods in determining a re-use value for the Parcel; and

Whereas, the City's Real Estate Disposition Policy provided in Section 2.2.13 for the sale of land for sideyard; and

Whereas, pursuant to due notice thereof published in *Finance and Commerce* on September 1, 2006, a public hearing on said proposal and proposed sale and the provisions thereof, was duly held on September 12, 2006, at the Minneapolis City Hall, 350 South 5th Street, Room 317, at 1:30 p.m., in the City of Minneapolis, County of Hennepin, State of Minnesota;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the re-use value for the JOR 94-9 & 10A is hereby estimated to be the sum of \$350.

Be It Further Resolved that the acceptance of the offer and Purchaser's proposal is hereby determined to be in accordance with the City's approved disposition policy and it is further determined that the Purchaser possesses the qualifications and financial resources necessary to acquire and maintain the Parcel in accordance with the contract for the sale of land.

Be It Further Resolved that the offer is hereby accepted, subject to the execution of a contract for the sale of land. Furthermore, that the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver the contract to the Purchaser; provided, however, that this Resolution does not constitute such a contract and no such contract shall be created until executed by the Finance Officer or other appropriate official of the City.

Be It Further Resolved that upon publication of this Resolution, the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver a conveyance of the land to the Purchaser in accordance with the provisions of the executed contract and upon payment to the City of the purchase price thereof; provided, however, that this Resolution does not constitute such a conveyance and no such conveyance shall be created until executed by the Finance Officer or other appropriate official of the City.

Adopted 9/22/2006.

Absent - Colvin Roy.

Resolution 2006R-470, authorizing sale of land Disposition Parcel No JOR 94-9 & 10A (1120 - 25th Ave N - north one-half), was adopted 9/22/2006 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2006R-470**  
**By Goodman**

**Authorizing sale of land Disposition Parcel No JOR 94-9 & 10A (1120 - 25th Ave N - north one-half).**

Whereas, the City of Minneapolis, hereinafter known as the City, has received an offer to purchase the Disposition Parcel JOR 94-9 & 10B, in the Jordan neighborhood, from James L. Bromenschenkel, hereinafter known as the Purchaser, the Parcel JOR 94-9 & 10B, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

Legal Description of JOR 94-9 & 10A; 1120 25th Avenue North (north 1/2): The East 77.00 feet of Lot 9, Block 29, Highland Park Addition to the City of Minneapolis. A portion being registered property as is evidenced by Certificate of Title No. 1142750; and

Whereas, the Purchaser has offered to pay the sum of \$350, for Parcel JOR 94-9 & 10B, to the City for the land; and

Whereas, the Purchaser has submitted to the City a statement of financial responsibility and qualifications; and

Whereas, on March 11, 2005, City Council approved the waiving of the Planning Commission's review of certain real estate transactions (including sideyard dispositions) that have no relationship to Comprehensive Plan; and

Whereas, the City has determined the offer of \$350 to purchase the Parcel to be reasonable; and

Whereas, the City has had the re-use value reviewed by an appraisal expert, stating that the re-use value opinion is consistent with the City's accepted methods in determining a re-use value for the Parcel; and

Whereas, the City's Real Estate Disposition Policy provided in Section 2.2.13 for the sale of land for sideyard; and

Whereas, pursuant to due notice thereof published in *Finance and Commerce* on September 1, 2006, a public hearing on said proposal and proposed sale and the provisions thereof, was duly held on September 12, 2006, at the Minneapolis City Hall, 350 South 5th Street, Room 317, at 1:30 p.m., in the City of Minneapolis, County of Hennepin, State of Minnesota; and

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the re-use value for the JOR 94-9 & 10B is hereby estimated to be the sum of \$350.

Be It Further Resolved that the acceptance of the offer and Purchaser's proposal is hereby determined to be in accordance with the City's approved disposition policy and it is further determined that the Purchaser possesses the qualifications and financial resources necessary to acquire and maintain the Parcel in accordance with the contract for the sale of land.

Be It Further Resolved that the offer is hereby accepted, subject to the execution of a contract for the sale of land. Furthermore, that the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver the contract to the Purchaser; provided, however, that this Resolution does not constitute such a contract and no such contract shall be created until executed by the Finance Officer or other appropriate official of the City.

Be It Further Resolved that upon publication of this Resolution, the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver a conveyance of the land to the Purchaser in accordance with the provisions of the executed contract and upon payment to the City of the purchase price thereof; provided, however, that this Resolution does not constitute such a conveyance and no such conveyance shall be created until executed by the Finance Officer or other appropriate official of the City.

Adopted 9/22/2006.

Absent - Colvin Roy.

**Comm Dev** - Your Committee, having under consideration development of 414 E 26th St, now recommends passage of the accompanying resolutions:

a) Approving the subdivision of a lot at 414 E 26th St; and

b) Authorizing sale of property at 414 E 26th St less the north 40 feet to Gregory Langford for \$37,500, subject to the following conditions:

1) Land sale closing must occur on or before 30 days from date of City Council approval;

2) Payment of holding costs of \$150 per month from the date of City Council approval to the date of closing if land sale closing does not occur on or before 30 days from date of approval.

The sale conditions may be waived or amended with the approval of the Director of the Department of Community Planning & Economic Development.

Adopted 9/22/2006.

Absent - Colvin Roy.

Resolution 2006R-471, approving the subdivision of a lot at 414 E 26th St, was adopted 9/22/2006 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2006R-471**

**By Goodman**

**Approving the subdivision of a lot at 414 E 26<sup>th</sup> Street.**

Whereas, the City of Minneapolis' Department of Community Planning and Economic Development (CPED) has requested that a parcel of land located at 414 E. 26<sup>th</sup> Street and legally described as Lot 9, Crosby and Harvey's Addition to Minneapolis, EXCEPT that part which lies Northwesterly of the following described line: Beginning at a point on the North line of Lot 8, said Crosby and Harvey's Addition, distant 105 feet West of the Northeast corner thereof; thence run Southwesterly to a point on the West line of said Lot 9, distant 85 feet North of the Southwest corner thereof and there terminating, be subdivided as follows:

Parcel A: MC 154-2A; 414 26<sup>th</sup> Street East: Lot 9, EXCEPT the North 40 feet thereof, Crosby and Harvey's Addition to Minneapolis, AND EXCEPT that part which lies Northwesterly of the following described line: Beginning at a point on the North line of Lot 8, said Crosby and Harvey's Addition, distant 105 feet West of the Northeast corner thereof; thence run Southwesterly to a point on the West line of said Lot 9, distant 85 feet North of the Southwest corner thereof and there terminating; all according to the recorded plat thereof, and situate in Hennepin County, Minnesota;

Parcel B: MC 154-2B; 414 26<sup>th</sup> Street East: The North 40 feet of Lot 9, Crosby and Harvey's Addition to Minneapolis, EXCEPT that part which lies Northwesterly of the following described line: Beginning at a point on the North line of Lot 8, said Crosby and Harvey's Addition, distant 105 feet West of the Northeast corner thereof; thence run Southwesterly to a point on the West line of said Lot 9, distant 85 feet North of the Southwest corner thereof and there terminating; all according to the recorded plat thereof, and situate in Hennepin County, Minnesota; and

Whereas, the City of Minneapolis intends to convey the subdivided Parcel B listed above to the owner of the adjacent property:

Parcel B: HOME 70; 2540 5<sup>th</sup> Avenue South: The North 40 feet of Lot 10, Crosby and Harvey's Addition to Minneapolis. Being registered land as is evidenced by Certificate of Title No. 1142781; and

Whereas, the proposed subdivision conforms with Minnesota Statutes Section 462.358 and Land Subdivision Regulations adopted by the Minneapolis City Council on July 14, 1995; and

Whereas, pursuant to due notice thereof published in Finance and Commerce on September 1, 2006, a public hearing on said subdivision and proposed sale was duly held in a meeting of the Community Development Committee of the City Council at 1:30 p.m., September 12, 2006, in Room 317, Minneapolis City Hall, 350 South 5th Street, in the City of Minneapolis, County of Hennepin, State of Minnesota;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the division of the above described property be approved and the requirement of a subdivision plat be waived.

Be It Further Resolved that a certified copy of this resolution shall be attached to the deeds conveying the subdivided parcels.

Adopted 9/22/2006.

Absent - Colvin Roy.

Resolution 2006R-472, authorizing sale of land Model City Disposition Parcel No MC 154-2A (414 - 26th St E), was adopted 9/22/2006 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2006R-472**

**By Goodman**

**Authorizing sale of land Model City Disposition Parcel No MC 154-2A (414 - 26th St E).**

Whereas, the City of Minneapolis, hereinafter known as the City, has received an offer to purchase and develop Disposition Parcel MC 154-2A, in the Phillips neighborhood, from Gregory Langford, hereinafter known as the Redeveloper, the Parcel MC 154-2A, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

LEGAL DESCRIPTION of MC 154-2A; 414 26th Street East: Lot 9, EXCEPT the North 40 feet thereof, Crosby and Harvey's Addition to Minneapolis, AND EXCEPT that part which lies Northwesterly of the following described line: Beginning at a point on the North line of Lot 8, said Crosby and Harvey's Addition, distant 105 feet West of the Northeast corner thereof; thence run Southwesterly to a point on the West line of said Lot 9, distant 85 feet North of the Southwest corner thereof and there terminating; all according to the recorded plat thereof, and situate in Hennepin County, Minnesota; and

Whereas, the Redeveloper has offered to pay the sum of \$37,500, for Parcel MC 154-2A to the City for the land, and the Redeveloper's proposal is in accordance with the applicable Redevelopment Plan and/or Program; and

Whereas, the Redeveloper has submitted to the City a statement of financial responsibility and qualifications; and

Whereas, the City has had the re-use value reviewed by an appraisal expert, stating that the re-use value opinion is consistent with the accepted methods in aiding the City in determining a re-use value for the Parcel; and

Whereas, pursuant to due notice thereof published in *Finance and Commerce* on September 1, 2006, a public hearing on the proposed sale was duly held on September 12, 2006, at the regularly scheduled Community Development Committee meeting of the City Council, at the Minneapolis City Hall, 350 South 5th Street, Room 317, at 1:30 p.m., in the City of Minneapolis, County of Hennepin, State of Minnesota;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the re-use value for uses in accordance with the Model City plan, as amended, is hereby estimated to be the sum of \$37,500 for Parcel MC 154-2A.

Be It Further Resolved that the acceptance of the offer and proposal is hereby determined to be in accordance with the City's approved disposition policy and it is further determined that the Redeveloper possesses the qualifications and financial resources necessary to acquire and develop the parcel in accordance with the Redevelopment Plan and/or Program.

Be It Further Resolved that the proposal be and the same is hereby accepted, subject to the execution of a contract for the sale of land and further subject to the following conditions; 1) land sale closing must occur on or before 30 days from the date this Resolution is approved by the City and 2) payment of holding costs of \$150.00 per month from the date of approval of this Resolution if the land sale closing does not occur on or before 30 days from the date of approval.

Be It Further Resolved that the sale conditions described above may be waived or amended with the approval of the Department of Community Planning & Economic Development Director.

Be It Further Resolved that upon publication of this Resolution, the Finance Officer or other appropriate official of the City be and the same is hereby authorized to execute and deliver the contract to the Redeveloper; provided, however, that this Resolution does not constitute such a contract and no such contract shall be created until executed by the Finance Officer or other appropriate official of the City.

Be It Further Resolved that the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver a conveyance of the land to the Redeveloper in accordance with the provisions of the executed contract and upon payment to the City for the purchase price thereof; provided, however, that this Resolution does not constitute such a conveyance and no such conveyance shall be created until executed by the Finance Officer or other appropriate City official of the City.

Adopted 9/22/2006.

Absent - Colvin Roy.

**Comm Dev** - Your Committee, having under consideration the report of the Department of Community Planning & Economic Development (CPED) relating to the sale of property at 1109 E 28th St, now recommends passage of the accompanying resolution authorizing sale of said property to Metro Capital Ventures for \$23,000 in lieu of the staff recommendation to sell said property to AA Contracting, Inc, subject to the following conditions:

- a) Land sale closing must occur on or before 30 days from date of City notification;
- b) Payment of holding costs of \$150 per month from the date of notification to the date of closing if land sale closing does not occur on or before 30 days from date of City notification; and
- c) Plans being amended to require the addition of a full front porch; vertical landscaping on the alley side; and a 4'-6' picket fence on the alley side designed to minimize potential for graffiti.

The sale conditions may be waived or amended with the approval of the Director of the Department of Community Planning & Economic Development.

Adopted 9/22/2006.

Absent - Colvin Roy.

Resolution 2006R-473, authorizing sale of land Model Cities Urban Renewal Plan Disposition Parcel No. MC 250-24 (1109 E 28th St), was adopted 9/22/2006 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2006R-473**

**By Goodman**

**Authorizing sale of land Model Cities Urban Renewal Plan Disposition Parcel No. MC 250-24 (1109 E 28th St).**

Whereas, the City of Minneapolis, hereinafter known as the City, has received an offer to purchase and develop disposition Parcel MC 250-24, in the Midtown Phillips neighborhood, from Metro Capital Ventures, hereinafter known as the Redeveloper, the Parcel MC 250-24, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota, to wit:

LEGAL DESCRIPTION of MC 250-24; 1109 East 28th Street: The East 42 feet of Lots 30, 31 and 32, Block 1, Avery's Chicago Avenue Addition to Minneapolis. Being registered land as is evidenced by Certificate of Title No. 1142762; and

Whereas, the Redeveloper has offered to pay the sum of \$23,000, for Parcel MC 250-24 to the City for the land, and the Redeveloper's proposal is in accordance with the applicable Redevelopment Plan and/or Program; and

Whereas, the Redeveloper has submitted to the City statements of financial responsibility and qualifications; and

Whereas, the City has had the re-use value reviewed by an appraisal expert, stating that the re-use value opinion is consistent with the accepted methods in aiding the City in determining a re-use value for the Parcel; and

Whereas, pursuant to due notice thereof published in *Finance and Commerce* on September 2, 2006, a public hearing on the proposed sale was duly held on September 12, 2006, at the regularly scheduled Community Development Committee meeting of the City Council, at the Minneapolis City Hall, 350 South 5th Street, Room 317, at 1:30 p.m., in the City of Minneapolis, County of Hennepin, State of Minnesota;



Now, Therefore, Be It Resolved by the City Council of the City of Minneapolis:

That the re-use value for uses in accordance with the Model Cities Urban Renewal Plan, as amended, is hereby estimated to be the sum of \$23,000 for Parcel MC 250-24.

Be It Further Resolved that the acceptance of the offers and proposals are both hereby determined to be in accordance with the City's approved disposition policy and it is further determined that the Redeveloper possess the qualifications and financial resources necessary to acquire and develop the parcel in accordance with the Redevelopment Plan and/or Program.

Be It Further Resolved that the Redeveloper's proposal is hereby accepted, subject to the execution of a contract for the sale of land and further subject to the following conditions: 1) land sale closing must occur on or before 30 days from the date this Resolution is approved by the City; 2) payment of holding costs of \$150.00 per month from the date of approval of this Resolution if the land sale closing does not occur on or before 30 days from the date of approval; and 3) Design plans to include a full front porch, vertical landscaping on the alley side, and a 4 to 6 foot picket fence on the alley side designed to minimize potential for graffiti.

Be It Further Resolved that the sale conditions described above may be waived or amended with the approval of the Department of Community Planning & Economic Development Director. Furthermore, that the Finance Officer or other appropriate official of the City is hereby authorized consistent with the terms herein to execute and deliver the contract to the Redeveloper or Alternate Redeveloper, as appropriate; provided, however, that this Resolution does not constitute such a contract and no such contract shall be created until executed by the Finance Officer or other appropriate official of the City.

Be It Further Resolved that the Finance Officer or other appropriate official of the City is hereby authorized consistent with the terms herein to execute and deliver a conveyance of the land to the Redeveloper as appropriate in accordance with the provisions of the executed contract and upon payment to the City for the purchase price thereof; provided, however, that this Resolution does not constitute such a conveyance and no such conveyance shall be created until executed by the Finance Officer or other appropriate City official of the City.

Adopted 9/22/2006.

Absent - Colvin Roy.

**Comm Dev** – Your Committee, having under consideration the issuance of revenue bonds for The Church of the Ascension, on behalf of Ascension Academy, to finance the renovation and equipping of a school building at 1704 Dupont Ave N, now recommends passage of the accompanying resolution granting preliminary and final approval to the issuance of up to \$900,000 in 501(c)(3) Bank Qualified Bank Direct Tax-exempt Minneapolis Community Development Agency Revenue Bonds, Series 2006, for said project.

Your Committee further recommends that the subject matter be forwarded to the Minneapolis Community Development Agency (MCDA) Board of Commissioners.

Adopted 9/22/2006.

Absent - Colvin Roy.

Resolution 2006R-474, giving approval to and authorizing the financing of a project on behalf of the Church of the Ascension of Minneapolis, on behalf of Ascension Academy at 1704 Dupont Ave N, and authorizing the issuance of a revenue note of the Minneapolis Community Development Agency therefor, was adopted 9/22/2006 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2006R-474**

**By Goodman**

**Giving approval to and authorizing the financing of a project on behalf of the Church of the Ascension of Minneapolis, Minnesota, and authorizing the issuance of a revenue note of the Minneapolis Community Development Agency therefor.**



Whereas, pursuant to Laws of Minnesota 1980, Chapter 595, as amended ("Chapter 595"), the City Council of the City of Minneapolis (the "City") established the Minneapolis Community Development Agency (the "Agency") and granted certain powers and duties to the Agency; and

Whereas, pursuant to such granted powers, the Agency has been authorized to issue revenue obligations for various purposes; and

Whereas, it has been proposed that the Agency issue a revenue note in an amount not to exceed \$900,000 (the "Note") to finance renovation and equipping, including installation of an elevator, of an existing building located at 1704 DuPont Avenue North in the City (the "Project"); and

Whereas, the Project will be owned by The Church of the Ascension of Minneapolis, Minnesota, and leased to Ascension Academy, a Minnesota nonprofit corporation and a charter school; and

Whereas, the City has previously given approval to issuance of its revenue note(s) to finance a portion of the Project which note(s) would be additional to the Note; provided that revenue notes of the Agency and the City may not exceed an aggregate principal amount of \$1,400,000 for the Project; and

Whereas, the Agency expects to give approval to the issuance of the Note by a resolution to be adopted on the date hereof;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Council hereby gives approval to the issuance by the Agency of the Note in a principal amount not to exceed \$900,000 for the purpose of financing a portion of the Project.

Be It Further Resolved that the Note is hereby designated as a "Program Bond" and is determined to be within the "Economic Development Program" and the "Program," all as defined in Resolution 88R-021 of the City adopted January 29, 1988, and as amended by Resolution 97R-402 of the City adopted December 12, 1997.

Adopted 9/22/2006.

Absent - Colvin Roy.

**Comm Dev** - Your Committee, having under consideration the development of 2134 Irving Ave N, now recommends passage of the accompanying resolutions:

a) Approving the transfer of Minneapolis Community Development Agency (MCDA) property at 2134 Irving Ave N to the City of Minneapolis; and

b) Authorizing sale of the property at 2134 Irving Ave N to Twin Cities Habitat for Humanity, Inc for \$1, subject to the following conditions:

1) Land sale closing must occur on or before 30 days from date of City Council approval; and

2) Payment of holding costs of \$150 per month from the date of City Council approval to the date of closing if land sale closing does not occur on or before 30 days from date of approval.

The sale conditions may be waived or amended with the approval of the Director of the Department of Community Planning & Economic Development.

Your Committee further recommends that the subject matter be forwarded to the MCDA Board of Commissioners.

Adopted 9/22/2006.

Absent - Colvin Roy.

Resolution 2006R-475, approving the transfer of certain real property of the Minneapolis Community Development Agency at 2134 Irving Ave N to the City of Minneapolis, was adopted 9/22/2006 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2006R-475**

**By Goodman**

**Transferring Certain Real Property of the Minneapolis Community Development Agency to the City of Minneapolis.**

Whereas, the City Council exercising powers granted by Minnesota Laws, 2003, Chapter 127, Article 12, Sections 31-34, adopted Chapter 415, Minneapolis Code of Ordinances, establishing the Department of Community Planning and Economic Development ("CPED") and authorizing transfers to the City of money, real property, investments, personal property, assets, programs, projects, districts, developments and obligations of the Minneapolis Community Development Agency ("MCDA"); and

Whereas, pursuant to Resolution Nos. 2003R-625 and 2003R-626, both adopted on December 29, 2003, the City Council approved transfer of the money, investments, personal property, programs, projects, districts and obligations of the MCDA described therein, including the assets, rights and obligations of the Common Bond Fund, effective as of January 1, 2004; and

Whereas, the City Council has decided to now transfer certain MCDA-owned real estate;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Council hereby transfers and conveys to the City the MCDA real property being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit: LEGAL DESCRIPTION of TF-527; 2134 Irving Ave N: Lot 1, Block 14, Forest Heights.

Be It Further Resolved that the transfer authorized by this resolution shall be effective upon execution and delivery of a deed with respect to the property identified above or other appropriate instrument from the MCDA in favor of the City.

Adopted 9/22/2006.

Absent - Colvin Roy.

Resolution 2006R-476, authorizing sale of land Tax Forfeiture Program Disposition Parcel No TF-527 (2134 Irving Ave N), was adopted 9/22/2006 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2006R-476**

**By Goodman**

**Authorizing sale of land Tax Forfeiture Program Disposition Parcel No TF-527 (2134 Irving Ave N).**

Whereas, the City of Minneapolis, hereinafter known as the City, has received an offer to purchase and develop Disposition Parcel TF-527, in the Jordan neighborhood, from Twin Cities Habitat for Humanity, Inc. (TCHF), hereinafter known as the Redeveloper, the Parcel TF-527, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

LEGAL DESCRIPTION of TF-527; 2134 Irving Ave N: Lot 1, Block 14, Forest Heights; and

Whereas, the Redeveloper has offered to pay the sum of \$1, for Parcel TF-527 to the City for the land, and the Redeveloper's proposal is in accordance with the a Memorandum of Understanding between the City and TCHF dated December 7, 1998, as amended September 29, 2005 (MOU); and

Whereas, the Redeveloper has submitted to the City a statement of financial responsibility and qualifications; and

Whereas, the City has had the re-use value reviewed by an appraisal expert, stating that the re-use value opinion is consistent with the accepted methods in aiding the City in determining a re-use value for the Parcel; and

Whereas, pursuant to due notice thereof published in *Finance and Commerce* on September 1, 2006, a public hearing on the proposed sale was duly held on September 12, 2006, at the regularly scheduled Community Development Committee meeting of the City Council, at the Minneapolis City Hall, 350 South 5th Street, Room 317, at 1:30 p.m., in the City of Minneapolis, County of Hennepin, State of Minnesota;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the re-use value of the parcel is estimated to be \$13,000; however, in accordance with and for such uses as described in the MOU, the City is selling TF-527 for the sum of \$1.

Be It Further Resolved that the acceptance of the offer and proposal is hereby determined to be in accordance with the City's approved disposition policy and it is further determined that the Redeveloper possesses the qualifications and financial resources necessary to acquire and develop the parcel in accordance with the Redevelopment Plan and/or Program.

Be It Further Resolved that the proposal be and the same is hereby accepted, subject to the execution of a contract for the sale of land and further subject to the following conditions; 1) land sale closing must occur on or before 30 days from the date this Resolution is approved by the City and 2) payment of holding costs of \$150.00 per month from the date of approval of this Resolution if the land sale closing does not occur on or before 30 days from the date of approval.

Be It Further Resolved that the sale conditions described above may be waived or amended with the approval of the Department of Community Planning & Economic Development Director.

Be It Further Resolved that upon publication of this Resolution, the Finance Officer or other appropriate official of the City be and the same is hereby authorized to execute and deliver the contract to the Redeveloper; provided, however, that this Resolution does not constitute such a contract and no such contract shall be created until executed by the Finance Officer or other appropriate official of the City.

Be It Further Resolved that the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver a conveyance of the land to the Redeveloper in accordance with the provisions of the executed contract and upon payment to the City for the purchase price thereof; provided, however, that this Resolution does not constitute such a conveyance and no such conveyance shall be created until executed by the Finance Officer or other appropriate City official of the City.

Adopted 9/22/2006.

Absent - Colvin Roy.

**Comm Dev** - Your Committee recommends approval of the Fiscal Year 2006 HOME Program Budget, with proposed allocations as follows:

Affordable Housing Trust Fund (AHTF), \$2,706,947

Home Ownership Works (HOW), \$500,000

Department of Community Planning & Economic Development Administration, \$341,327

Office of Grants & Special Projects Administration, \$15,000

Adopted 9/22/2006.

Absent - Colvin Roy.

**Comm Dev** - Your Committee recommends that the proper City officers be authorized to execute an amendment to the Ground Lease Agreement with MacPhail Center for Music to allow new terms that compensates MacPhail if the City would choose not to renew the Operating Lease, as more fully described in the Department of Community Planning & Economic Development report.

Adopted 9/22/2006.

Absent - Colvin Roy.

**Comm Dev** - Your Committee, having under consideration the establishment of affordable housing production and preservation goals, pursuant to the City's 1999 Affordable Housing Policy, now recommends approval of the proposed three-year affordable housing goals, as follows:

### **Minneapolis 2006-2008 Affordable Housing**

#### **Production/Preservation Goals (units completed):**

2006: 670 units

2007: 655 units

2008: 645 units

Adopted 9/22/2006.

Absent - Colvin Roy.

**Comm Dev** - Your Committee, having under consideration allocation of 2007 Federal Low Income Housing Tax Credits, now recommends that the proper City officers be authorized to preliminarily reserve Tax Credits totaling \$1,109,037 for the following projects:

- a) Project for Pride in Living Southside Recapitalization, 2835 Park Ave S, in the amount of \$423,552 for rehabilitation of six low-income unit buildings in South Minneapolis;
- b) Lutheran Social Services, 2414 Park Ave S, in the amount of \$616,805 for construction of 64 units of rental housing with 10 units for permanent supportive housing;
- c) Project for Pride in Living/Van Cleve West Apartments, 917 - 12th Ave S, in the amount of \$68,680, for the second phase consisting of a 50 unit new rental apartment building, in collaboration with Cabrini House.

Adopted 9/22/2006.

Absent - Colvin Roy.

The **COMMUNITY DEVELOPMENT and TRANSPORTATION & PUBLIC WORKS** Committees submitted the following report:

**Comm Dev & T&PW** - Your Committee, having under consideration an amended pedestrian easement for the Whitney Landmark Residences condominium development at 150 Portland Ave S, now recommends that the proper City officers be authorized to execute an amended and restated plaza easement that includes the following revised terms, which are fully described in the Department of Community Planning & Economic Development report:

- a) The parties are updated from the Minneapolis Community Development Agency and Standard Mill Limited Partnership to the City of Minneapolis and Whitney Partners, LLC;
- b) The revised plaza plan is substituted for the original plan; and
- c) The portions of the plaza that are excluded from the plaza easement terms are revised to reflect the new plaza layout. These areas are roughly comparable to the size of the areas excluded under the 1987 easement.

Adopted 9/22/2006.

Absent - Colvin Roy.

The **COMMUNITY DEVELOPMENT and WAYS & MEANS/BUDGET** Committees submitted the following reports:

**Comm Dev & W&M/Budget** - Your Committee, having under consideration the proposed amendment to the 2006 Consolidated Plan to reprogram Community Development Block Grant (CDBG) funds from the Neighborhood/Commercial Economic Development Fund Program to the Adult Training and Placement Program, which would provide more flexible funding to Business Development's corridors program while allowing Minneapolis Employment & Training Program to place and retain an additional 125 low income residents in permanent private sector jobs, now recommends approval of CDBG grant reprogramming as follows:

- a) up to \$275,814.84 from NEDF/CEDF 96 (FBG0-890-8933, reporting category 2201) to Adult Training Placement & Retention (0400-890-8943, 27C-ATPR, reporting category 27AP); and
- b) up to \$124,185.16 from NEDF/CEDF 28 (FBG0-890-8933, reporting category 28ED) to Adult Training Placement & Retention (0400-890-8943, 28C-ATPR, reporting category 28AP).

Your Committee further recommends passage of the accompanying resolution transferring funds in the Department of Community Planning and Economic Development.

Adopted 9/22/2006.

Absent - Colvin Roy.

**RESOLUTION 2006R-477**  
**By Goodman and Ostrow**

**Amending the 2006 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended as follows:

a) Decreasing the appropriation for the Community Planning and Economic Development (CPED) Agency in the Community Development Block Grant (CDBG) Fund (FBG0-890-8933) by up to \$400,000; and

b) Increasing the appropriation for the CPED Agency in the CDBG-HOME-ESG-UDAG Fund (0400-890-8943) by up to \$400,000.

Adopted 9/22/2006.

Absent - Colvin Roy.

**Comm Dev & W&M/Budget** - Your Committee, having under consideration the inability of Ram Construction, Inc to execute a contract for renovation of 2127 Queen Ave N in the amount of \$139,450, now recommends acceptance of the second low bid submitted to the Department of Community Planning & Economic Development on OP No. 6566 from EnviroBate Metro, Inc in the revised amount of \$139,750, to furnish and deliver all labor, materials, equipment, and incidentals necessary to accomplish the renovation of 2127 Queen Ave N.

Your Committee further recommends that the proper City officers be authorized and directed to execute a contract for this project, all in accordance with City specifications and contingent upon approval of the Civil Rights Department.

Adopted 9/22/2006.

Absent - Colvin Roy.

The **PUBLIC SAFETY & REGULATORY SERVICES** Committee submitted the following reports:

**PS&RS** - Your Committee, having under consideration the application of Big Sky Montana Inc, dba Montana Coffeehouse, 514 3rd St N, for On-Sale Wine Class C-2 with Strong Beer License (new business) to expire April 1, 2007, and a Sidewalk Cafe License (new business) to expire April 1, 2007, and having held a public hearing thereon, now recommends the following:

a. that the Wine License be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

b. that the Sidewalk Cafe License be granted, subject to the plan being approved by the Traffic Engineer, and final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 9/22/2006.

Absent – Colvin Roy.

Approved by Mayor Rybak 9/25/2006.

(Published 9/27/2006)

**PS&RS** - Your Committee, having under consideration the application of Bulldog NE Inc, dba Bulldog Restaurant NE, 401 E Hennepin Av, for an On-Sale Liquor Class B with Sunday Sales License (change in ownership from Dogs Howling Inc) to expire October 1, 2007, and a Sidewalk Cafe License (new proprietor) to expire April 1, 2007, and having held a public hearing thereon, now recommends that said licenses be sent forward without recommendation.

Hofstede moved to amend the report by deleting the language “be sent forward without recommendation” and inserting in lieu thereof “be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances”. Seconded.

Adopted by unanimous consent.

The report, as amended, was adopted 9/22/2006.

Absent – Colvin Roy.

**PS&RS** - Your Committee, having under consideration the application of Industrial Coffee Co LLC, dba Clicquot Club Cafe, 2929 E 25th St, for a Sidewalk Cafe License to expire April 1, 2007, and having held a public hearing thereon, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 9/22/2006.

Absent – Colvin Roy.



**PS&RS** - Your Committee, having under consideration the application of Djerdjian Sarkis, dba Starlight Coffee Shoppe, 407 14th Av SE, for a Sidewalk Cafe License (new business) to expire April 1, 2007, and having held a public hearing thereon, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 9/22/2006.

Absent – Colvin Roy.

**PS&RS** - Your Committee, having under consideration the application of Azia Inc, dba Azia, 2550 Nicollet Av, for an On-Sale Liquor Class E with Sunday Sales License (expansion of premises for sidewalk cafe area) to expire January 1, 2007, and having held a public hearing thereon, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 9/22/2006.

Absent – Colvin Roy.

**PS&RS** - Your Committee, to whom was referred back on August 18, 2006 a report relating to the application of Haze 2 Group, dba Grumpys Bar, 2200 4th St NE, for an On-Sale Liquor Class E with Sunday Sales License (expansion of premises for an outdoor seating area on private property) to expire October 1, 2006, and having held a public hearing thereon, now recommends that said license application be sent forward without recommendation.

Ostrow moved that the report be amended by deleting the language “be sent forward without recommendation” and inserting in lieu thereof “be granted, subject to the following conditions that have been mutually agreed upon, to be effective through April 1, 2007, at which time the conditions will be evaluated and a determination made as to whether they are sufficient or if new conditions will be required:

a. the licensee shall clean the property and public areas on a regular basis within 100 feet of the property lines.

b. the licensee will take all appropriate measures to reduce noise in accordance with Section 360.55 of the Minneapolis Code of Ordinances. In addition, any noise (patron, music, etc) from the establishment and outdoor area that has documented proof to disturb a resident will result in adverse license action and/or additional conditions being required for the operation of the outside area, including but not limited to restricted hours of operation of the outside area.

c. the licensee agrees not to install pay phones either inside or outside the establishment.

d. the licensee shall follow all laws and rules of the City of Minneapolis and the State of Minnesota relating to the operation of an establishment with an on-sale beverage alcohol license.

e. final inspection and compliance with all provisions of applicable codes and ordinances.”  
Seconded.

Adopted by unanimous consent.

The report, as amended, was adopted 9/22/2006.

Absent – Colvin Roy.

**PS&RS** - Your Committee recommends passage of the accompanying resolution granting applications for Liquor, Wine and Beer Licenses.

Adopted 9/22/2006.

Absent – Colvin Roy.

Resolution 2006R-478, granting applications for Liquor, Wine and Beer Licenses, was adopted 9/22/2006 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.



The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2006R-478**

**By Samuels**

**Granting Liquor, Wine and Beer Licenses.**

Resolved by The City Council of The City of Minneapolis:

That the following applications for liquor, wine and beer licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances:

**On-Sale Liquor Class A with Sunday Sales, to expire October 1, 2007**

Western Host Inc, dba Four Points by Sheraton-Minneapolis, 1330 Industrial Blvd

**On-Sale Liquor Class B with Sunday Sales, to expire January 1, 2007**

Soni LLC, dba Poodle Club, 3001 E Lake St (new manager)

**On-Sale Liquor Class C-2 with Sunday Sales, to expire October 1, 2006**

J D Hoyt's Inc, dba J D Hoyt's, 301 Washington Av N (new shareholder/partner)

**On-Sale Liquor Class E with Sunday Sales, to expire July 1, 2007**

Buca (Minneapolis) Inc, dba Buca Di Beppo, 1204 Harmon Pl

**On-Sale Liquor Class E with Sunday Sales, to expire October 1, 2006**

All Pro Partnership of Minnesota Inc, dba Sgt Prestons, 221 Cedar Av S (change in ownership from Preston's of Minneapolis Inc)

**On-Sale Liquor Class E with Sunday Sales, to expire July 1, 2007**

Preston's of Minneapolis Inc, dba Sgt Prestons, 221 Cedar Av S (new manager)

**On-Sale Liquor Class E with Sunday Sales, to expire October 1, 2007**

Tri-Franklin LLC, dba Tracy's Saloon & Eatery, 2205 E Franklin Av (change in ownership from Chez Inc)

**On-Sale Wine Class C-2 with Strong Beer, to expire April 1, 2007**

La Poblanita Inc, dba La Poblanita Restaurant, 1621 E Lake St (new business)

Paul Thomas Investments LLC, dba Nokomis Lanes and Eatery, 4040 Bloomington Av (change in ownership from Nokomis Bowling Company)

**On-Sale Wine Class D with Strong Beer, to expire April 1, 2007**

Betsy's Back Porch Coffee Inc, dba Betsy's Back Porch Coffee, 5447 Nicollet Av (new business)

**Temporary On-Sale Wine**

SRO Productions, dba Hennepin Theatre Trust, 901 N 3rd St (City Pages Wine Tasting, September 29, 2006, 6:00 p.m. to 9:00 p.m. at 275 Market St).

Adopted 9/22/2006.

Absent – Colvin Roy.

**PS&RS** - Your Committee recommends passage of the accompanying resolution granting applications for Business Licenses.

Adopted 9/22/2006.

Absent – Colvin Roy.

Resolution 2006R-479, granting applications for Business Licenses, was adopted 9/22/2006 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2006R-479**

**By Samuels**

**Granting applications for Business Licenses.**

Resolved by The City Council of The City of Minneapolis:

That the following applications for business licenses (including provisional licenses) as per list on file and of record in the Office of the City Clerk under date of September 22, 2006 be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 271500):

Bowling Alley; Car Wash; Caterers; Farm - Produce Permits; Grocery; Food Manufacturer; Food Market Manufacturer; Drive In Food; Restaurant; Food Shelf; Short-Term Food Permit; Seasonal Short Term Food; Sidewalk Cafe; Vending Machine; Fuel Dealer; Fuel Dealer Cash & Carry Only; Bulk Gas & Oil Storage; Gasoline Filling Station; Motor Vehicle Immobilization Service; Motor Vehicle Dealer – New & Used; Motor Vehicle Dealer – Used Only; Motor Vehicle Repair Garage; Motor Vehicle Repair Garage with Accessory Use; Towing Class A; Towing Class B; Towing Class D; Commercial Parking Lot Class A; Commercial Parking Lot Class B; Plumber; Public Market; Secondhand Goods Class B; Antique Mall Operator Class B; Solid Waste Hauler; Taxicab Vehicle; and Tobacco Dealer.

Adopted 9/22/2006.

Absent – Colvin Roy.

**PS&RS** - Your Committee recommends passage of the accompanying resolution granting applications for Gambling Licenses.

Adopted 9/22/2006.

Absent – Colvin Roy.

Resolution 2006R-480, granting applications for Gambling Licenses, was adopted 9/22/2006 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2006R-480**

**By Samuels**

**Granting applications for Gambling Licenses.**

Resolved by The City Council of The City of Minneapolis:

That the following applications for gambling licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances:

**Gambling Lawful Exempt**

Childrens Heartlink, dba Childrens Heartlink, 5075 Arcadia Av (Raffle September 9, 2006 at Minneapolis Convention Center)

Twin Cities Trout Unlimited, dba Twin Cities Trout Unlimited, 75 Clay Cuffe Pl, Mound (Raffle September 16, 2006 at Marriot City Center)

Church of St. Helena, dba Church of St. Helena, 3204 E 43rd St (Bingo, Raffle, Pulltabs September 15 – 17, 2006 at 3200 E 43rd St)

Church of St. Philip, dba Church of St. Philip, 2507 Bryant Av N (Bingo, Raffle and Pulltabs September 17, 2006 at 2507 Bryant Av N)

Church of St. Austin, dba St. Austins, 4050 Upton Av N (Bingo, Raffle, Pulltabs and Tipboards September 23 & 24, 2006 at St. Austins-Brennan Hall)

March of Dimes, dba March of Dimes, 5233 Edina Industrial Blvd, Edina (Raffle November 2, 2006 at Radisson Plaza Hotel)

Woman's Club, dba Woman's Club of Minneapolis, 410 Oak Grove St (Raffle November 25, 2006 at 410 Oak St)

Give and Live, dba Give and Live, 11700 Live Oak Dr, Minnetonka (Raffle December 10, 2006 at Sebastian Joe's, 1007 W Franklin)

Junior League of Minneapolis, dba Junior League of Minneapolis, 6250 Wayzata Blvd (Raffle, Paddlewheels, Pulltabs and Tipboards December 1 – 3, 2006 at Minneapolis Convention Center)

Ethnic Dance Theatre, dba Ethnic Dance Theatre, 400 Winnetka Av N, New Hope (Raffle April 22, 2007 at The Ritz Theater, 820 18th Av NE).

Adopted 9/22/2006.

Absent – Colvin Roy.

**PS&RS** - Your Committee, having under consideration the following properties which have been deemed by the Director of Inspections to constitute nuisance conditions within the meaning of Chapter 249 of the Minneapolis Code of Ordinances, now recommends that the proper City officers be authorized to demolish the following properties, as more fully set forth in the Findings of Fact, Conclusions and Recommendations which are on file in the Office of the City Clerk and made a part of this report by reference.

a. 2431 16th Av S, legally described as the North 29 feet of Lot 10, Block 3, Gilpatricks Addition to Minneapolis (PID #35-029-24-14-0039).

b. 3307 Aldrich Av N, legally described as Lot 5, Block 15, Baker's 4th Addition to Minneapolis (PID #09-029-24-14-0087).

c. 3334 Lyndale Av N, legally described as Lot 10, Block 8 in Baker's Fourth Addition to Minneapolis (PID #10-029-24-23-0043).

Adopted 9/22/2006.

Absent – Colvin Roy.

**PS&RS** - Your Committee, having under consideration report passed April 28, 2006 relating to the Chapter 249 property located at 2946 Oliver Av N, now recommends that said report previously adopted be amended by deleting the recommendation to rehabilitate the property, subject to conditions, and to substitute the recommendation for demolition of 2946 Oliver Av N, legally described as Lot 12, Block 3, Supplement to Forest Park Addition to Minneapolis (PID #09-029-24-32-0190), in accordance with the Findings of Fact, Conclusions and Recommendations on file in the Office of the City Clerk, which are hereby made a part of this report by reference.

Adopted 9/22/2006.

Absent – Colvin Roy.

**PS&RS** – Your Committee, to whom was referred back on September 1, 2006 a report relating to the Rental Dwelling License held by Phillip R. Owens for the property located at 2908 16th Av S, and a hearing having been held by the Rental Dwelling License Board of Appeals on July 11, 2006, now recommends concurrence with the recommendation of the Board of Appeals that said license be revoked for failure to comply with the requirements of Section 244.2020 of the Minneapolis Code of Ordinances as it relates to conduct on licensed premises, as more fully set forth in the Findings of Fact, Conclusions and Recommendation on file in the Office of the City Clerk, which is hereby made a part of this report by reference.

Adopted 9/22/2006.

Absent – Colvin Roy.

**PS&RS** – Your Committee, to whom was referred back on September 1, 2006 a report relating to the Rental Dwelling License held by Hyder Jaweed, Asgher Jaweed and Teri L. Kanis, dba Minneapolis Apartments Housing Associates I LLC, for the property located at 729 8th Av SE, and a hearing having been held by the Rental Dwelling License Board of Appeals on July 11, 2006, now recommends concurrence with the recommendation of the Board of Appeals that said license be revoked for failure

to comply with the requirements of Section 244.2020 of the Minneapolis Code of Ordinances as it related to conduct on licensed premises, as more fully set forth in the Findings of Fact, Conclusions and Recommendation on file in the Office of the City Clerk, which is hereby made a part of this report by reference.

Adopted 9/22/2006.

Absent – Colvin Roy.

The **PUBLIC SAFETY & REGULATORY SERVICES** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

**PS&RS & W&M/Budget** - Your Committee recommends that the proper City officers be authorized to accept a restitution check from the United States Treasury, on behalf of defendant Hard Chrome Inc, in the amount of \$47,010; and that the Fire Department be authorized to use said funds for the purchase hazardous material equipment for use by the Department. Further, passage of the accompanying Resolution appropriating \$47,010 to the Fire Department.

Adopted 9/22/2006.

Absent – Colvin Roy.

**RESOLUTION 2006R-481**

**By Samuels and Ostrow**

**Amending The 2006 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Fire Department Agency in the General Fund (010-280-FH50) by \$47,010 and increasing the Revenue Source (010-280-FH50 - Source 3725) by \$47,010.

Adopted 9/22/2006.

Absent – Colvin Roy.

(Republished 11/11/2006)

**PS&RS & W&M/Budget** - Your Committee recommends that the proper City officers be authorized to accept a grant award of \$95,000 and execute a grant agreement with the United States Department of Justice, National Institute of Justice, under the Paul Coverdell Forensic Laboratory Improvement Program, to purchase a new comparison macroscope for forensic toolmark examinations of firearms and ballistic evidence from crime scenes. Further, passage of the accompanying resolution appropriating \$95,000 to the Police Department.

Adopted 9/22/2006.

Absent – Colvin Roy.

**RESOLUTION 2006R-482**

**By Samuels and Ostrow**

**Amending The 2006 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Grants - Federal Fund (030-400-B305) by \$95,000 and increasing the Revenue Source (030-400-B305 - Source 3210) by \$95,000.

Adopted 9/22/2006.

Absent – Colvin Roy.

**PS&RS & W&M/Budget** - Your Committee recommends that the proper City officers be authorized to accept a two-year grant award of \$750,000 from the United States Department of Justice, Office of Justice Programs under the Grants to Encourage Arrest Policies and Enforcement of Protection Orders

Program, to provide funding for one full-time investigative sergeant in the Family Violence Unit of the Police Department; and that the proper City officers be authorized to execute contract amendments, as necessary, with the Domestic Abuse Project, Casa de Esperanza, and Asian Women United Minnesota as detailed in the grant award program. Further, passage of the accompanying resolution appropriating \$750,000 between the Police Department and City Attorney's Office.

Adopted 9/22/2006.

Absent – Colvin Roy.

**RESOLUTION 2006R-483**

**By Samuels and Ostrow**

**Amending The 2006 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended as follows:

a. increasing the appropriation for the Police Department Agency in the Grants - Federal Fund (030-400-C105) by \$444,107 and increasing the Revenue Source (030-400-C105 - Source 3210) by \$750,000.

b. increasing the appropriation for the City Attorney Agency in the Grants - Federal Fund (030-140-1410) by \$305,893.

Adopted 9/22/2006.

Absent – Colvin Roy.

**PS&RS & W&M/Budget** - Your Committee recommends that the proper City officers be authorized to execute an agreement to accept a Speed Limit Enforcement Grant award of \$1,800 with the Minnesota Department of Public Safety, State Patrol Division, for a contract period extending into the summer to reimburse overtime costs to police officers for increased enforcement targeting speed violations and other enforcement to reduce accidents. Further, passage of the accompanying resolution appropriating \$1,800 to the Police Department.

Adopted 9/22/2006.

Absent – Colvin Roy.

**RESOLUTION 2006R-484**

**By Samuels and Ostrow**

**Amending The 2006 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Grants - Federal Fund (030-400-DT13) by \$1,800 and increasing the Revenue Source (030-400-DT13 - Source 3210) by \$1,800.

Adopted 9/22/2006.

Absent – Colvin Roy.

**PS&RS & W&M/Budget** - Your Committee recommends that the proper City officers be authorized to execute a contract with Minneapolis Community and Technical College Center for Criminal Justice and Law Enforcement, in the approximate amount of \$69,009, to provide educational services to the Police Department during calendar years 2006 and 2007.

Adopted 9/22/2006.

Absent – Colvin Roy.

The **TRANSPORTATION & PUBLIC WORKS** Committee submitted the following reports:

**T&PW** - Your Committee, having under consideration unpaid assessments for snow and ice removal from public sidewalks, and having held a public hearing thereon, now recommends passage of the accompanying resolution adopting and levying the remaining assessments on the list of properties, as set forth in Petn No 271505 on file in the office of the City Clerk.

Your Committee further recommends that the assessments against following properties be removed from the assessment list pending further investigation by the Council Member of the Ward and/or City staff: 3901 17th Avenue South, and 4001 Abbott Avenue South.

Johnson moved to substitute the following report for the above report. Seconded.

Adopted by unanimous consent.

Absent - Colvin Roy.

**T&PW** - Your Committee, having under consideration unpaid assessments for snow and ice removal from public sidewalks, and having held a public hearing thereon, now recommends:

- a) Waiving 100% of the assessment for the property located at 3201 21st Av S;
- b) Waiving 100% of the assessments for the property located at 1423 Lowry Av N;
- c) Waiving 50% of the assessment for the property located at 4001 Abbott Av S;
- d) Waiving 50% of the assessment for the property located at 3901 17th Av S; and
- e) Passage of the accompanying resolution adopting and levying the remaining assessments on the list of properties, as set forth in Petn No 271505 on file in the office of the City Clerk.

Adopted 9/22/2006.

Absent - Colvin Roy.

Resolution 2006R-485, adopting and levying the assessments for the unpaid charges for the removals of snow and ice from public sidewalks on the list of properties set forth in Petn No 271505, was adopted 9/22/2006 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2006R-485**

**By Colvin Roy**

**Adopting and levying the assessments for the unpaid charges for the removals of snow and ice from public sidewalks on the list of properties set forth in Petn No 271505.**

Whereas, a public hearing was held on September 14, 2006 in accordance with Chapter 8, Sections 12 and 13 of the Minneapolis City Charter to consider the proposed assessments as shown on the proposed assessment rolls on file in the office of the City Clerk and to consider all written and oral objections and statements regarding this matter;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the proposed assessment for the property identified as 3201 21st Av S, PID No. 01-028-24-24-0081 in the amount of \$57.25 be waived and reduced to \$0.00.

That the proposed assessments for the property identified as 1423 Lowry Av N, PID No. 09-029-24-42-0087 in the amounts of \$171.00 and \$172.80 be waived and reduced to \$0.00.

That the proposed assessment for the property identified as 4001 Abbott Av S, PID No. 08-028-24-24-0060 in the amount of \$117.20 be reduced by \$58.60, from \$117.20 to \$58.60.

That the proposed assessment for the property identified as 3901 17th Av S, PID No. 11-028-24-11-0161 in the amount of \$84.00 be reduced by \$42.00, from \$84.00 to \$42.00.

That the proposed assessments against the affected properties on the list dated July 17, 2006 set forth in Petn No 271505 in the total amount of \$74,232.15 and as shown on the proposed assessment rolls on file in the Office of the City Clerk be revised to \$73,730.50 as a result of the above waivers, hereby are adopted and levied.

Be It Further Resolved that the assessments in the total amount of \$73,730.50 be collected in one (1) installment on the 2007 real estate tax statements with interest.



Be It Further Resolved that the assessment rolls, as prepared by the City Engineer, be and hereby are adopted and that the City Clerk is hereby directed to transmit certified copies of said assessment rolls to the Hennepin County Auditor.

Adopted 9/22/2006.

Absent - Colvin Roy.

**T&PW** - Your Committee, having under consideration the Mayor's nomination and approval by the Executive Committee of the appointment of Steven A. Kotke to serve as City Engineer for a term to expire January 2, 2008, now recommends approval of said appointment.

Adopted 9/22/2006.

Absent - Colvin Roy.

**T&PW** - Your Committee recommends that the proper City officers be authorized to execute Amendment No. 3 to Agreement No. PW 51-20-01, Agreement for Cost Participation in Professional Engineering Services, Professional Management Services and Public Affairs Services for CSAH 3 (Lake Street), in the amount of \$59,110.38, pending satisfactory review by the City Attorney's Office. Funds are available within the existing project budget.

Adopted 9/22/2006.

Absent - Colvin Roy.

**T&PW** - Your Committee recommends passage of the accompanying ordinance amending Title 18, Chapter 474 of the Minneapolis Code of Ordinances relating to *Traffic Code: Vehicle Operation*, repealing the Thru Street designation of 52nd Street East between 34th and 47th Avenues South.

Adopted 9/22/2006.

Absent - Colvin Roy.

**ORDINANCE 2006-Or-102**

**By Colvin Roy**

**1st & 2nd Readings: 9/22/2006**

**Amending Title 18, Chapter 474 of the Minneapolis Code of Ordinances relating to Traffic Code: Vehicle Operation.**

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 474.550 of the above-entitled ordinance be amended by repealing the following Thru Street:

~~No. 233 -- East 52nd Street between 34th Avenue South and 47th Avenue South.~~

Adopted 9/22/2006.

Absent - Colvin Roy.

**T&PW** - Your Committee recommends that the proper City officers be authorized to review alternatives for improving public safety at the Talmage Av SE/Burlington Northern Santa Fe Railway Co. (BNSF) at-grade railroad crossing located between 20th and 21st Avenues SE.

Adopted 9/22/2006.

Absent - Colvin Roy.

The **TRANSPORTATION & PUBLIC WORKS** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

**T&PW & W&M/Budget** - Your Committee, to whom was referred an ordinance amending Appendix G of the Minneapolis Code of Ordinances relating to *Bus Stop Shelters Franchise*, transferring the Transtop bus shelter franchise to CBS Outdoor and extending the termination date of the franchise to 2015, now recommends:

**T&PW - That said ordinance be sent forward without recommendation.**

**W&M/Budget** - That said ordinance, as revised at Ways & Means/Budget on September 18, 2006, be given its second reading for amendment and passage.

Further, that staff be directed to report back to the Ways & Means/Budget Committee in two cycles (October 16, 2006) with determinations from the City Attorney's Office and the Finance Department on the extent to which the City would have the authority to impose the living wage ordinance on franchises, the resulting financial impact, and whether an ordinance amendment would be necessary.

Glidden moved that the report be postponed. Seconded.

Adopted upon a voice vote 9/22/2006.

Absent - Colvin Roy.

**T&PW & W&M/Budget** - Your Committee recommends that the proper City officers be authorized to execute Change Order No. 2 to Contract C-19558 with Mountain Environmental, Inc., in the amount of \$200,000, for a revised contract total of \$1,072,000, to provide for the hauling of treatment residuals from the Fridley lagoons. Funds are available in the Water Revenue Fund.

Adopted 9/22/2006.

Absent - Colvin Roy.

**T&PW & W&M/Budget** - Your Committee recommends that the proper City officers be authorized extend Contract C-21289 with SwiftReach Networks, Inc., to provide automated telephone alerts to City residents regarding the declaration of snow emergencies, and other emergency and non-emergency purposes, from October 30, 2006 to August 31, 2007. The maximum expenditure is estimated to be \$90,000.

Adopted 9/22/2006.

Absent - Colvin Roy.

**T&PW & W&M/Budget** - Your Committee, having under consideration Contract C-21391 with Landwehr Construction, Inc., now recommends that the proper City officers be authorized to execute the following three change orders, in the net amount of \$25,446.51, for a revised contract total of \$2,059,668.81, to provide for work related to HDPE liner installation, surface restoration, and installation of chain wheel actuators at the Water Treatment Plant Residual Lagoon 8:

Change Order No. 3 - \$19,418.18;  
Change Order No. 4 - \$4,487.41; and  
Change Order No. 5 - \$1,540.92.

Adopted 9/22/2006.

Absent - Colvin Roy.

**T&PW & W&M/Budget** - Your Committee recommends passage of the accompanying resolution increasing the appropriation and revenue for Heritage Park Infrastructure work as follows:

a) \$900,000 allocated by the Mississippi Watershed Management Organization for improvements related to stormwater management; and

b) \$1,550 in revenue received from contractors charged a fee for the cost of printing Heritage Park construction plan documents.

Adopted 9/22/2006.

Absent - Colvin Roy.

**RESOLUTION 2006R-486**  
**By Colvin Roy and Ostrow**

**Amending The 2006 Capital Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended as follows:

a) Increasing the appropriation for the Capital Improvements-Non-Departmental Agency in the Permanent Improvements Projects Fund (4100-970-9719) by \$900,000 and increasing the revenue source (4100-970-9719 Source 3225) by \$900,000; and

b) Increasing the appropriation for the Capital Improvements-Non-Departmental Agency in the Permanent Improvements Projects Fund (4100-970-9719) by \$1,550 and increasing the revenue source (4100-970-9719 Source 3755) by \$1,550.

Adopted 9/22/2006.

Absent - Colvin Roy.

**T&PW & W&M/Budget** - Your Committee recommends that the proper City officers be authorized to negotiate and execute an agreement for engineering services with CH2M Hill, Inc., for the design and construction of the Membrane Filtration Plant in Fridley, at a fee not to exceed \$4,990,000. Funds are available within the project budget (Water 7400-950-9515/C5200024).

Adopted 9/22/2006.

Absent - Colvin Roy.

**T&PW & W&M/Budget** - Your Committee recommends that the proper City officers be authorized to negotiate and enter into a funding agreement with the Minneapolis School Board for the joint funding of Alternative Stormwater Management Projects to be funded by available appropriation from the 2005 Combined Sewer Overflow Project (CSO) and the 2005 and 2006 Alternative Stormwater Projects. The amount to be funded from these revenue sources is \$2,347,750 to be applied to the following Alternative Stormwater Management Projects:

a) Folwell Middle School (36th St & 20th Av) - Amount \$1,081,750 (SW005/\$681,750, SW030/\$400,000);

b) Longfellow Elementary School (31st St & 31st Av) - Amount \$215,000 (SW005/\$115,000, SW030/\$100,000);

c) Sanford Elementary School (35th St & 42nd Av) - Amount \$338,000 (SW005/\$238,000, SW030/\$100,000);

d) Ramsey International Fine Arts School (49th St & Nicollet Av) - Amount \$321,000 (SW005/\$221,000, SW030/\$100,000); and

e) Washburn High School (201 W 49th) - Amount \$392,000 (SW005/\$292,000, SW030/\$100,000).

Glidden moved that the report be postponed. Seconded.

Adopted upon a voice vote 9/22/2006.

Absent - Colvin Roy.

**T&PW & W&M/Budget** - Your Committee recommends acceptance of the following bids submitted to the Public Works Department:

a) OP 6518, bid of Pall Corporation, in the amount of \$17,500,000, for ultrafiltration equipment for the Membrane Filtration Plant in Fridley; and

b) OP 6654, low bid of Prairie Restoration, Inc., in the amount of \$135,150.50, to furnish and deliver all labor, materials, equipment, and incidentals necessary for wetland establishment and general landscaping.

Your Committee further recommends that the proper City officers be authorized and directed to execute a contract for said service, all in accordance with City specifications and contingent upon approval of the Civil Rights Department. (Petr. No. 271507)

Adopted 9/22/2006.

Absent - Colvin Roy.

The **WAYS & MEANS/BUDGET** Committee submitted the following reports:

**W&M/Budget** - Your Committee recommends passage of the accompanying Resolution authorizing the settlement of legal matters, as recommended by the City Attorney.

Adopted 9/22/2006.

Absent - Colvin Roy.

Resolution 2006R-487, authorizing settlement of the legal claims of Kevin Stoll and Dahlen Sign Company, Truong Xuan Mai & Lighttech, Inc., was adopted 9/22/2006 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2006R-487**  
**By Ostrow**

**Authorizing legal settlements.**

Resolved by The City Council of The City of Minneapolis:

That the City Attorney is authorized to proceed with settlement of:

- a) Kevin Stoll v. City of Minneapolis by payment of \$2,207.60, payable to Kevin Stoll and his attorneys, Rice, Michels and Walther; and
- b) Dahlen Sign Company, Truong Xuan Mai & Lighttech, Inc. v. City of Minneapolis, by payment of \$0.50, payable to Dahlen Sign Company; \$0.50, payable to Lighttech, Inc.; \$10,000, payable to Institute for Justice; and approval of the Consent Judgment.

Be It Further Resolved that the proper City officers be authorized to execute any documents necessary to effectuate said settlements.

Adopted 9/22/2006.

Absent - Colvin Roy.

**W&M/Budget** - Your Committee recommends that the City Attorney be authorized to amend the Master Agreement for Legal Services between the City of Minneapolis and Kaplan, Kirsch and Rockwell, LLP so that the compensation payable under said agreement not exceed \$900,000 for the term of the agreement.

Adopted 9/22/2006.

Absent - Colvin Roy.

**W&M/Budget** - Your Committee recommends that the proper City Officers be authorized to issue a Request for Proposals (RFP) for legal services panels for the City of Minneapolis to provide legal services requiring special expertise, assistance in complex or lengthy litigation, or when a conflict of interest exists for the City Attorney's Office, effective January 1, 2007.

Adopted 9/22/2006.

Absent - Colvin Roy.

**W&M/Budget** - Your Committee recommends that the proper City officers be authorized to execute a contract with the following parties to generate revenue over 5 years for mobile equipment capabilities, support and maintenance relating to the City's new Computer-Aided Dispatch System:

- a) Hennepin County Medical Center   \$375,572.80
- b) University of Minnesota           \$29,341.20

Adopted 9/22/2006.

Absent - Colvin Roy.

**W&M/Budget** - Your Committee, having under consideration the New Central Library Project, now recommends approval of Change Order No. 16 increasing Contract #C-20481 with PCL Construction Services, Inc. by \$453,824, for a new contract total of \$22,345,595.

Adopted 9/22/2006.

Absent - Colvin Roy.

**W&M/Budget** - Your Committee recommends approval of the December 2006 utility billing insert on behalf of 311/911 announcing the Minneapolis 3-1-1 information and services this winter.

Adopted 9/22/2006.

Absent - Colvin Roy.

**W&M/Budget** - Your Committee recommends approval of payment of the 2005 proceeds of the 1% City lodging tax increase to Meet Minneapolis in the amount of \$45,900.83 as part of their 2006 operating budget.

Your Committee further recommends passage of the accompanying resolution increasing the appropriation to the Meet Minneapolis Agency in the Convention and Related Fund by \$45,900.83.

Adopted 9/22/2006.

Absent - Colvin Roy.

**RESOLUTION 2006R-488**

**By Ostrow**

**Amending The 2006 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Meet Minneapolis Agency in the Minneapolis Convention Center Related Fund (0760-864-8641) by \$45,900.83.

Adopted 9/22/2006.

Absent - Colvin Roy.

**W&M/Budget** - Your Committee recommends acceptance of Non-profit Convention Events funds in the amount of \$197,000 to provide payment to Meet Minneapolis for expenses incurred for qualifying events.

Your Committee further recommends passage of the accompanying Resolution increasing the appropriation to the Meet Minneapolis agency to reflect receipt of said funds.

Adopted 9/22/2006.

Absent - Colvin Roy.

**RESOLUTION 2006R-489**

**By Ostrow**

**Amending The 2006 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation in the Meet Minneapolis Agency in the Convention Center Related Fund (0760-864-8642) by \$197,000; and increasing the Meet Minneapolis revenue source (0760-864-8642 - Source 3720) by \$197,000.

Adopted 9/22/2006.

Absent - Colvin Roy.

**W&M/Budget** - Your Committee, having under consideration the City of Minneapolis Medical Insurance Plan, now recommends that the proper City officers be authorized to execute a three-year contract with Medica, as the selected provider for medical insurance for 2007, 2008, and 2009.

Adopted 9/22/2006.

Absent - Colvin Roy.

**W&M/Budget** - Your Committee, having under consideration report passed September 1, 2006 relating to the contract term sheet language for the Citywide Broadband Wireless Initiative, now recommends that the report be amended as follows:



The term sheet shall include \$3,178,000 of prepaid broadband services, reflecting the initial \$2,200,000 plus the time value of money. Further, that an irrevocable letter of credit, performance bond, or personal guarantee be provided, to be chosen by the City's Chief Financial Officer, which reflects the full amount of the annual outstanding balance of the pre-payment for services including the associated value of money, to ensure that the City receives the full amount in services or repayment.

Adopted 9/22/2006.

Absent - Colvin Roy.

The **ZONING & PLANNING** Committee submitted the following reports:

**Z&P** - Your Committee, having under consideration the appeal filed by Catherine Monnens of Sign A Rama, from the decision of the Board of Adjustment which denied applications for variances: a) to increase the maximum size of a projecting sign from 16 to 72 square feet; and b) to increase the maximum height of an on-premise advertising sign from 24 feet off the ground to 35 feet off the ground, to allow for the installation of a new 4 foot by 18 foot sign advertising the name of the Soho Condominiums building at 718 Washington Ave N, now recommends that said appeal be granted, and the applications be approved.

Goodman moved to amend the report by deleting the language "from 16 to 72 square feet", and inserting in lieu thereof, "from 16 to 40.5 square feet" and deleting the language "from 24 feet off the ground to 35 feet off the ground" and inserting in lieu thereof, "from 24 feet off the ground to 32 feet off the ground." Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted 9/22/2006.

Absent - Colvin Roy.

**Z&P** - Your Committee, having under consideration the appeal filed by Jeannie Czupryna with Dinsmore Cleaners from the decision of the Planning Commission granting an application of Children's Dental Services for site plan review for an addition to an existing dental clinic at 636 Broadway St NE subject to several conditions, now recommends that said appeal be denied, and the site plan approved subject to additional conditions: a) modification of floor plan replacing the X-ray and lavatory rooms with operating rooms 153 and 154; b) replace proposed chain link with wrought iron style fencing; c) double the size of the windows facing the south lot line; and d) landscaping shall have a vertical emphasis to minimize potential for graffiti, and that the related findings prepared by the Community Planning & Economic Development staff be adopted.

Hofstede moved to amend the report by deleting the language "replacing the X-ray and lavatory rooms with operating rooms 153 and 154", and inserting in lieu thereof, "to include active uses in the southeast corner of the building with windows facing the south property line." Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted 9/22/2006.

Absent - Colvin Roy.

**Z&P** - Your Committee, having under consideration the appeal filed by DeLaSalle High School from the decision of the Heritage Preservation Commission denying an application for Certificate of Appropriateness to permit construction of a new athletic facility for shared use by DeLaSalle and the Minneapolis Park & Recreation Board at 25 W Island Ave and 201 E Island Ave, now recommends that said appeal be granted and the Certificate be approved, and that the Findings of Fact set forth in Petition No. 271514 be adopted.

Hofstede moved to amend the report by deleting the language "granted and the Certificate be approved, and that the Findings of Fact set forth in Petition No. 271514 be adopted" and inserting in lieu thereof: "denied, and that the findings prepared by the Heritage Preservation Commission be adopted. Further, that staff be directed to explore alternative proposals for development of a new athletic facility". Seconded.

Lost upon a voice vote.

Absent - Colvin Roy.

The report was adopted 9/22/2006. Yeas, 8; Nays, 4 as follows:

Yeas - Ostrow, Schiff, Remington, Benson, Goodman, Hodges, Samuels, Johnson.

Nays - Gordon, Hofstede, Lilligren, Glidden.

Absent - Colvin Roy.

**Z&P** - Your Committee, to whom was referred an ordinance amending Title 20, Chapter 525 of the Minneapolis Code of Ordinances relating to *Zoning Code: Administration and Enforcement*, to allow a variance related to the minimum width requirement for single and two-family dwellings and multiple-family dwellings of three and four units for properties that are less than 40 feet in width, now concurs in the recommendation of the Planning Commission that the related findings be adopted and that said ordinance be given its second reading for amendment and passage.

Adopted 9/22/2006.

Absent - Colvin Roy.

Ordinance 2006-Or-103 amending Title 20, Chapter 525 of the Minneapolis Code of Ordinances relating to *Zoning Code: Administration and Enforcement*, amending Section 525.520 to allow a variance related to the minimum width requirement for single and two-family dwellings and multiple-family dwellings of three and four units for properties that are less than 40 feet in width, was adopted 9/22/2006 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 2006-Or-103**

**By Schiff**

**Intro & 1<sup>st</sup> Reading: 3/31/2006**

**Ref to: Z & P**

**2<sup>nd</sup> Reading: 9/22/2006**

**Amending Title 20, Chapter 525 of the Minneapolis Code of Ordinances relating to Zoning Code: Administration and Enforcement.**

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 525.520 of the above-entitled ordinance be amended by adding thereto a new subdivision (29) to read as follows:

**525.520. Authorized variances.** Variances from the regulations of this zoning ordinance shall be granted by the board of adjustment only in accordance with the requirements of section 525.500, and may be granted only in the following instances, and in no others:

(29) To vary the minimum width of single or two-family dwellings and multiple-family dwellings of three (3) and four (4) units provided the dwelling is located on a zoning lot existing on the effective date of this ordinance that is forty (40) feet or less in width.

Adopted 9/22/2006.

Absent - Colvin Roy.

**Z&P** - Your Committee, to whom was referred an ordinance amending Title 20, Chapter 535 of the Minneapolis Code of Ordinances relating to *Zoning Code: Regulations of General Applicability*, to authorize the mounting of communication antennas on light poles in the downtown area bounded by the Mississippi River, I-35W, I-94, and I-394/3rd Ave N (extended to the river), now concurs in the recommendation of the Planning Commission that the related findings be adopted and that said ordinance be given its second reading for amendment and passage.

Adopted 9/22/2006.

Absent - Colvin Roy.

Ordinance 2006-Or-104 amending Title 20, Chapter 535 of the Minneapolis Code of Ordinances relating to *Zoning Code: Regulations of General Applicability*, amending Section 535.520 to authorize the mounting of communication antennas on light poles in the downtown area bounded by the Mississippi River, I-35W, I-94, and I-394/3rd Ave N (extended to the river), was adopted 9/22/2006 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 2006-Or-104**  
**By Schiff**  
**Intro & 1<sup>st</sup> Reading: 6/16/2006**  
**Ref to: Z & P**  
**2<sup>nd</sup> Reading: 9/22/2006**

**Amending Title 20, Chapter 535 of the Minneapolis Code of Ordinances relating to Zoning Code: Regulations of General Applicability.**

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 535.520 of the above-entitled ordinance be amended to read as follows:

**535.520. Conditional uses.** (a) In general. The following communication towers, antennas and base units may be allowed as a conditional use, subject to the provisions of Chapter 525, Administration and Enforcement, and sections 535.530 and 535.540:

- (1) Freestanding communication towers and antennas, including antennas mounted on light poles and similar structures that are not facade mounted, provided that towers and antennas located in the residence and office residence districts shall be located on institutional use sites of not less than twenty thousand (20,000) square feet. Freestanding communication towers and antennas shall be prohibited in the downtown area bounded by the Mississippi River, I-35W, I-94, and I-394/Third Avenue North (extended to the river) except that antennas may be mounted to light poles existing on the effective date of this ordinance.
- (2) Rooftop mounted communication towers and antennas exceeding fifteen (15) feet in height.
- (3) Communication towers and antennas designed for private reception of television and radio signals and used for amateur or recreational purposes which exceed thirty-five (35) feet in height if freestanding or fifteen (15) feet in height if rooftop mounted, or antennas which exceed one (1) meter in diameter in the residence and office residence districts or two (2) meters in diameter in all other districts.
- (4) Communication towers and antennas that use any portion of a structure, other than the roof or penthouse, for structural support and do not meet the definition of a facade mounted communication antenna.

Adopted 9/22/2006.  
Absent - Colvin Roy.

**Z&P** - Your Committee, to whom was referred an ordinance amending Title 20, Chapter 544 of the Minneapolis Code of Ordinances relating to *Zoning Code: Off-Premise Advertising Signs and Billboards*, creating new requirements for off-premise advertising billboards in an area bounded by 2nd Ave N to Hennepin Ave, and 8th to 6th Sts N, now concurs in the recommendation of the Planning

Commission that the related findings be adopted and that said ordinance be given its second reading for amendment and passage.

Adopted 9/22/2006.

Absent - Colvin Roy.

Ordinance 2006-Or-105 amending Title 20, Chapter 544 of the Minneapolis Code of Ordinances relating to *Zoning Code: Off-Premise Advertising Signs and Billboards*, adding a new Section 544.90 creating new requirements for off-premise advertising billboards in an area bounded by 2nd Ave N to Hennepin Ave, and 8th to 6th Sts N, was adopted 9/22/2006 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 2006-Or-105**  
**By Schiff**  
**Intro & 1<sup>st</sup> Reading: 3/31/2006**  
**Ref to: Z & P**  
**2<sup>nd</sup> Reading: 9/22/2006**

**Amending Title 20, Chapter 544 of the Minneapolis Code of Ordinances relating to Zoning Code: Off-Premise Advertising Signs and Billboards.**

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Chapter 544 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 544.90 to read as follows:

**544.90. Downtown Entertainment Billboard District.** (a) Establishment and restrictions. This section establishes the following downtown entertainment billboard district:

(1) Downtown entertainment billboard district. The downtown entertainment billboard district shall comprise the area bounded by Sixth Street South, Second Avenue North, Eighth Street North and Hennepin Avenue. Billboards and advertising signs constructed in this district shall not be subject to the requirements of 544.60 (a) (2), 544 (b) and (c), and 544.70.

(b) Additional conditions. Off-premise advertising billboards and signs lawfully existing at the time of the adoption of this ordinance shall not be included in the calculation of the total amount of off-premise advertising signage allowed under Table 544-3 Downtown Entertainment Billboard District.

**Table 544-3 Downtown Billboard Entertainment District**

**Downtown  
Entertainment District**

Maximum sign area

The sign face shall not exceed the square footage equal to 10 times the building perimeter as measured at the foundation wall, subject to 544.790(b)

Maximum sign height

56 feet, or 4 stories; if located on a roof the top of the sign shall not be more than 45 feet above the roof, except that no building that is more than 4 stories in height or where the roof is higher than 56

Lighted signs  
Minimum sign spacing

feet above grade shall have a  
billboard on its roof.  
Permitted  
None

Adopted 9/22/2006.  
Absent - Colvin Roy.

**Z&P** – Your Committee concurs in the recommendation of the Planning Commission in granting the petition of St. Anthony Mill, LLC (BZZ-3137) to rezone the properties at 300 & 400 2nd St SE; 100 3rd Ave SE; 113 6th Ave SE; and 199 and 413-501 Main St SE from I1 to the C3A District with removal of the Industrial Living Overlay District for a 960-unit mixed-use Planned Unit development including rehabilitation of seven existing milling and warehousing structures and construction of six new residential buildings, and adopting the related findings prepared by the Department of Community Planning & Economic Development.

Your Committee further recommends passage of the accompanying ordinance amending the Zoning Code.

Adopted 9/22/2006.  
Absent - Colvin Roy.

Ordinance 2006-Or-106 amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the properties at 300 & 400 2nd St SE; 100 3rd Ave SE; 113 6th Ave SE; and 199 and 413-501 Main St SE to the C3A District with removal of the Industrial Living Overlay District, was adopted 9/22/2006 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 2006-Or-106**  
**By Schiff**  
**1<sup>st</sup> & 2<sup>nd</sup> Readings: 9/22/2006**

**Amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally.**

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 521.30 of the above-entitled ordinance be amended by changing the zoning district for the following parcel of land, pursuant to MS 462.357:

That part of Parcel 6: The Southwesterly or rear Thirty (30) feet of Lots Four (4) through Nine (9) inclusive in Block Fifty (50), St. Anthony Falls, Hennepin County, Minnesota; Parcel 7: The Southwesterly or rear Thirty (30) feet of Lots Ten (10) through Twelve (12) inclusive, excepting therefrom the Northeasterly Fifteen (15) feet of said Southwesterly or rear (30) feet in Block Fifty (50), St. Anthony Falls, Hennepin County, Minnesota; Parcel 8: The Northeasterly or rear Twenty-five (25) feet of Lots Thirteen (13) through Nineteen (19) inclusive in Block Fifty (50), St. Anthony Falls, Hennepin County, Minnesota; Parcel 10: The Northeasterly or rear Twenty-five (25) feet of Lot Twenty (20), excepting therefrom the Northeasterly or rear Twenty-Five (25) feet of the Northwesterly 23 2/3 feet front and rear of Lot Twenty (20), in Block Fifty (50), St. Anthony Falls, Hennepin County, Minnesota; Parcel 12: The Southeasterly Twenty-three (23) feet of the Northeasterly Twenty-five (25) feet of the Northwesterly Forty-four (44) feet of Lot Twenty-one (21) and the Northeasterly Fifteen (15) feet of the Southeasterly Twenty-two (22) feet of Lot Twenty-one (21), all in Block Fifty (50), St. Anthony Falls, Hennepin County, Minnesota; Parcel 13: The Northeasterly or rear Twenty-five (25) feet of Lots Twenty-two (22), Twenty-three (23) and Twenty-four (24), except the Southwesterly Ten (10) feet of the rear or Northeasterly



Twenty-five (25) feet of the Northwestern one-third of Lot Twenty-two (22); Further excepting therefrom the Southwesterly Ten (10) feet of the rear or Northeasterly Twenty-five (25) feet of Lots Twenty-three (23) and Twenty-four (24) and of the Southeasterly two-thirds of Lot Twenty-two (22), all in Block Fifty (50), St. Anthony Falls, Hennepin County, Minnesota; Together with that part of vacated Spring Street (now Fifth Avenue Southeast) lying Northwesternly of the center line of said street and between the extension to said center line of the Northeasterly and Southwesterly lines of said parcel all in Block Fifty (50), St. Anthony Falls, Hennepin County, Minnesota; Parcel 16: The Northwesternly or rear Fifteen (15) feet of the Southeasterly Forty-four (44) feet of Lot Seven (7), Block Fifty-one (51), St. Anthony Falls, Hennepin County, Minnesota; Parcel 17: The Northeasterly or rear Fifteen (15) feet of Lots Eight (8) and Nine (9), in Block Fifty-one (51), St. Anthony Falls, Hennepin County, Minnesota; Parcel 1: Lots 1, 2, 3, Block 50, St. Anthony Falls, together with that part of vacated Spring Street (now Fifth Avenue southeast) lying northwesterly of the center line of said street and between the extension to said center line of the northeasterly and southwesterly lines of Lot 1, Block 50, all in St. Anthony Falls; Parcel 2: Lot 4, Block 50, St. Anthony Falls, Hennepin County, Minnesota, except the rear or Southwesterly 30 feet thereof; Parcel 3: The front or Northeasterly 135 feet of Lot 5, Block 50, St. Anthony Falls, Hennepin County, Minnesota; Parcel 4: Lot 6, Block 50, St. Anthony Falls, Hennepin County, Minnesota, except the rear 30 feet thereof; Parcel 5: The front or Northeasterly 135 feet of Lots 7 and 8, Block 50, St. Anthony Falls, Hennepin County, Minnesota; Parcel 6: Lot 9, Block 50, St. Anthony Falls, Hennepin County, Minnesota, except the rear or Southerly 30 feet thereof; Parcel 7: The front or Northeasterly 150 feet of Lot 10, Block 50, St. Anthony Falls, Hennepin County, Minnesota; Parcel 8: Lots 11 and 12, Block 50, St. Anthony Falls, Hennepin County, Minnesota, except the rear of Southwesterly 15 feet thereof; Parcel 9: The Southwesterly 140 feet of Lots 13, 14, 15, 16, 17 and 18, Block 50, St. Anthony Falls, Hennepin County, Minnesota; Parcel 10: The West 1/3 of Lot 19, Block 50, St. Anthony Falls, Hennepin County, Minnesota, except the rear 25 feet thereof, note: That part of said Lot 19 intended to be conveyed by this description being a strip of even width of 22 feet on Main Street by 140 feet in depth and lying next to Lot 18, Block 50, St. Anthony Falls, Hennepin County, Minnesota; Parcel 11: That part of Lot 19, Block 50, St. Anthony Falls, Hennepin County, Minnesota, described as follows: Commencing at a point on the line between said Block 50 and Main Street in the City of Minneapolis, 22 feet distant Northwesternly from the Northwesternly line of Lot 20 in said Block 50 and running thence Northwesternly along said Main Street 22 feet; thence Northeasterly parallel with the line dividing said Lots 19 and 20 to the rear line of said Lot 19; thence Southeasterly along said rear line 22 feet; thence Southwesterly in a direct line to the point of beginning, except the Northeasterly or rear 25 feet thereof; Parcel 12: The Southeasterly 22 feet of the Southwesterly 140 feet of Lot 19, Block 50, St. Anthony Falls, Hennepin County, Minnesota; Parcel 13: The Northwesternly 23 2/3 feet, front and rear, of Lot 20, Block 50, St. Anthony Falls, Hennepin County, Minnesota; Parcel 14: That part of Lot 20, Block 50, St. Anthony Falls, Hennepin County, Minnesota, described as follows: Beginning at point in the front line of said Lot distant southeasterly 23 feet 8 inches from the Southeasterly corner of Lot 19 in said Block; thence in a Southeasterly direction along Main Street, so called, 20 feet; thence at right angles in a Northeasterly direction 140 feet; thence in a Northwesternly direction on a line parallel with said Main Street 20 feet; thence in a Southwesterly direction at right angles to last mentioned line 140 feet to a point of beginning; Parcel 15: The Southeasterly 22 1/3 feet of Lot 20, Block 50, St. Anthony Falls, Hennepin County, Minnesota, except the Northeasterly 25 feet thereof; Parcel 16: Lot 21, Block 50, St. Anthony Falls, Hennepin County, Minnesota, except the Southeasterly 23 feet of the Northeasterly 25 feet of the Northwesternly 44 feet thereof, and except the Northeasterly 15 feet of the Southeasterly 22 feet thereof; Parcel 17: The Northwesternly 22 feet of Lot 22, Block 50, St. Anthony Falls, Hennepin County, Minnesota, except the Northeasterly 15 feet thereof; Parcel 18: Also that part of Lot 22, Block 50, St. Anthony Falls, Hennepin County, Minnesota, described as follows: Commencing at a point on Main Street 22 feet in a Southeasterly direction from the Southwest corner of said Lot 22, said Block 50 and running thence in a Northeasterly direction about 150 feet in a line parallel with the Northwesternly boundary of said Lot 22 to the right of way of the Minneapolis Eastern Railway Company and thence along said right of way and in a Southeasterly direction about 44 feet to the Southeasterly boundary of said Lot 22, and thence Southwesterly direction along said Southeasterly boundary to Main Street, and thence along said Main Street in a Northwesternly direction about 44 feet to the place of beginning, note: The part of said Lot 22 intended to be conveyed by this description being the Southeasterly

2/3 of Lot 22, Block 50, St. Anthony Falls, Hennepin County, Minnesota, except a strip of land 15 feet in depth from the rear of said Lot 22; Parcel 19: Lots 23 and 24, Block 50, St. Anthony Falls, Hennepin County, Minnesota, together with that part of vacated Spring Street (now Fifth Avenue Southeast) lying Northwesterly of the center line of said street and between the extension to said center line of the Northeasterly and Southwesterly lines of said Lot 24, except a strip of land 15 feet in depth from the rear end of each of said Lots 23 and 24 and the part of vacated Spring Street (now Fifth Avenue Southeast) described above; Parcel 20: Lot 6, Block 51, St. Anthony Falls, Hennepin County, Minnesota, together with that part of vacated Spring Street (now Fifth Avenue Southeast) lying Southeasterly of the center line of said street and between the extension to said center line of the Northeasterly and Southwesterly lines of said Lot 6; Parcel 21: The Northwesterly 1/3 of Lot 7, the same being otherwise described as the Northwesterly 22 feet of Lot 7, Block 51, St. Anthony Falls, Hennepin County, Minnesota; Parcel 22: Also the Southeasterly 44 feet of Lot 7, Block 51, St. Anthony Falls, Hennepin County, Minnesota, except the rear 15 feet thereof, and also except that parcel of land lying within the limits of Main Street in the City of Minneapolis, in front of and appurtenant to and being a part of said Lot 7, described as follows: Beginning at the Southerly corner of said Lot 7, on a line dividing said Lot 7 as platted from said Main Street; thence along said dividing line in a Northwesterly direction 44 feet; thence at right angles in a Southwesterly direction 20 feet; thence at right angles in a Southeasterly direction and parallel with said dividing line 44 feet; thence at right angles 20 feet to beginning; Parcel 23: Lots 8 and 9, Block 51, St. Anthony Falls, Hennepin County, Minnesota, except the rear 15 feet of each of said Lots 8 and 9; Parcel 24: Lot 10, Block 51, St. Anthony Falls, Hennepin County, Minnesota; Parcel 25: deleted; Parcel 26: Together with benefits of the easements created by the following documents: 1. Roadway Easement dated September 30, 1993 and recorded October 20, 1993 as Document No. 6169541 (Abstract) and recorded on October 27, 1993 as Document No. 2436379 (Torrens), by and between the Pillsbury Company and ADM Milling Co., and 2. Easement dated September 30, 1993 and recorded October 20, 1993 as Document No. 6169540 (Abstract) and recorded October 27, 1993 as Document No. 2436378 (torrens) by and between The Pillsbury Company and ADM Milling Co. (300 & 400 2nd St SE; 100 3rd Ave SE; 113 6th Ave SE; and 199 and 413-501 Main St SE - Plate 14) to the C3A District with removal of the Industrial Living Overlay District.

Adopted 9/22/2006.

Absent - Colvin Roy.

### **MOTIONS**

Goodman moved passage of the accompanying resolution amending Resolution No. 2006R-374 entitled, "Adopting the Washington Court Apartments Tax Increment Finance (TIF) Plan and the Washington Court Apartments Housing Development Plan," passed July 21, 2006, by inserting Section 4.2 relating to implementation of the Plans, which was omitted from the original resolution. Seconded.

Adopted 9/22/2006.

Absent - Colvin Roy.

Resolution 2006R-490, amending Resolution No. 2006R-374 entitled, "Adopting the Washington Court Apartments Tax Increment Finance (TIF) Plan and the Washington Court Apartments Housing Development Plan," passed July 21, 2006, by inserting Section 4.2 relating to implementation of the Plans, which was omitted from the original resolution, was adopted 9/22/2006 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

### **RESOLUTION 2006R-490 By Goodman and Ostrow**

**Amending Resolution No. 2006R-374 entitled, "Adopting the Washington Court Apartments Tax Increment Finance (TIF) Plan and the Washington Court Apartments Housing Development Plan," passed July 21, 2006.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution be amended by adding thereto Section 4.2., as follows:

**Section 1. Recitals**

1.1. Pursuant to Laws of Minnesota 2003, Chapter 127, Article 12, Sections 31-34, and Minneapolis Code of Ordinances, Chapter 415, the City of Minneapolis (the "City"), acting by and through its department of Community Planning and Economic Development, has been granted the authority to propose and implement city development districts, housing and redevelopment projects and tax increment financing ("TIF") districts, all pursuant to Minnesota Statutes, Sections 469.001 through 469.134, and 469.174 through 469.179, as amended, and other laws enumerated therein (collectively, the "Project Laws").

1.2. It has been proposed and the City has prepared, and this Council has investigated the facts with respect to, the Washington Court Apartments Housing Development Plan and the Washington Court Apartments TIF Plan (together, "the Plans"). The Plans create a new TIF district and housing development project to accommodate the activities and financing related to the proposed Washington Court Apartments project, all pursuant to and in accordance with the Project Laws. The Plans designate property to be included within the boundaries of the housing development project and TIF district, establish eligibility, specify land uses, identify a budget for expenditures, reflect project activities and costs, within the area bounded by the project (the "Project Area"), and establish a housing TIF District and housing development project, all pursuant to and in accordance with the Project Laws.

1.3. The City has performed all actions required by law to be performed prior to the adoption of the Plans, including, but not limited to, a review of the proposed Plans by the affected neighborhood group and the City Planning Commission, transmittal of the proposed Plans to the Hennepin County Board of Commissioners and the School Board of Special School District No 1 for their review and comment, and the holding of a public hearing after published and mailed notice as required by law.

1.4. The Council hereby determines that it is necessary and in the best interests of the City at this time to approve the Plans to reflect project activities and costs in the Project Area and TIF District.

**Section 2. Findings for the Adoption of the Plans**

2.1. The Council hereby finds, determines and declares that the objectives and actions authorized by the Plans are all pursuant to and in accordance with the Project Laws.

2.2. The Council hereby finds, determines and declares that the Plans will afford maximum opportunity, consistent with the sound needs of the City as a whole, for the redevelopment of the Project Area and TIF District by private enterprise.

2.3. The Council hereby finds, determines and declares that the Washington Court Apartments project is necessary to alleviate a shortage of decent, safe, and sanitary housing for persons of low or moderate income and their families as such income is determined in accordance with the Project Laws. It is found that there is a shortage of affordable housing in Minneapolis and in the metropolitan region as a whole. The need for affordable rental housing has increased along with the growth in the city's population and number of households. The local economy has also experienced growth that has added to the demand for workforce housing.

Further, it has been reported that low income households pay more than they can afford for housing, and further, that demographic trends will result in more than 60,000 new metro area low income households seeking affordable housing by 2010, with the private market satisfying 40 percent of the increased demand for affordable housing, resulting in a shortfall of more than 36,000 units. The City of Minneapolis' *Consolidated Plan for Housing and Community Development* estimates there is a shortage of 7,068 affordable rental units for Minneapolis residents earning 30% or less of metropolitan median family income, and that although the number of rental housing units affordable to very low income households has increased since 1990, vacancy rates have decreased over that time period. A market study conducted by Maxfield Research Inc. identified demand for 411 affordable rental housing units through 2010 in the Washington Court Apartments market area. After accounting for units that will be added by pending developments, the study found excess demand for nearly 300 affordable rental housing units in the market area between 2005 and 2010. It is projected that the Washington Court Apartments project could capture 20% of the demand. More specific information about these reports can be found in Exhibit 2 of the Washington Court Apartments Housing Development Plan.

2.4. The Council further finds, determines and declares that the Washington Court Apartments TIF District is a housing district pursuant to Minnesota Statutes, Section 469.174, Subdivision 11, and 469.1761, Subdivisions 1 and 2. The proposed district is located within the Washington Court Apartments Housing Development Project, under provisions of Minnesota Statutes, §469.002, Subdivision 15, §469.174, Subdivision 11, and §469.1761.

2.5. The Council hereby finds, determines and declares that the City adopted a Unified Housing Policy which recognizes the serious shortage of affordable housing in Minneapolis and puts forth the goal to “grow the population and to have no net loss of housing across all income levels”. The Unified Housing Policy also states the City will focus on linking incentives to housing opportunities in proximity to jobs and transit. Development of the project will benefit residents by providing more housing choices as the project will provide new quality housing to low and moderate income residents located directly on a major transit bus line. Since there will be 8 units at or below 50% of Metropolitan Median Income (MMI), this project complies with the City Affordable Housing Policy, which requires at least 8 affordable units (i.e. 20% of 38). In addition, all 38 units are affordable at or below 60% of area median income for a total of 38 low income (100%) affordable units. It is therefore found that the establishment of the Washington Court Apartments TIF District is fully justified to facilitate public development activities and expenditures to lessen the current shortage of decent, safe, and affordable housing for low and moderate income households in Minneapolis.

2.6. According to Minnesota Statutes, Section 469.174, Subdivision 11, and Section 469.1761, in order to establish a housing TIF district, no more than 20% of the square footage of buildings that receive assistance from tax increments may consist of commercial, retail, or other nonresidential uses. The total square footage of the development will be residential.

2.7. The Council further finds, determines and declares that the Plans conform to the general plan for the development or redevelopment of the City as a whole. Written comments of the Planning Commission with respect to the Plans were issued, are incorporated herein by reference, and are on file in the office of the City Clerk.

2.8. The Council further finds, determines and declares that the use of tax increment financing is deemed necessary as the proposed development would not reasonably be expected to occur solely through private investment within the reasonably foreseeable future and that the increased market value of the site that could reasonably be expected to occur without the use of tax increment financing would be less than the increase in the market value estimated to result from the proposed development after subtracting the present value of the projected tax increment for the maximum duration of the district permitted by the TIF plan. Because it is the opinion of the City that the proposed Project to be financed, in part, by this TIF District would not occur solely through private investment at this time, the City projects that the estimated market value of the site without the use of tax increment would remain at its present level. The calculations necessary to pass this test are contained in the TIF Plan. The public redevelopment activity, expenditures, and market values associated with the development proposed in the TIF Plan results in a series of calculations and figures that clearly pass the market value test. It is therefore the opinion of the City that the proposed development in this TIF District could not occur solely through private investment within the foreseeable future. The Council further finds, determines and declares that the land in the Project Area and TIF District would not be made available for development without the financial aid to be sought.

2.9. The Council further finds, determines and declares that the entire fiscal disparity contribution required of the City for development occurring within this district be taken from outside the Washington Court Apartments TIF District. Due to the level of required subsidy for this project, using a portion of the tax increment generated from this project to pay fiscal disparities is not financially viable and would stop the proposed project from developing. The election provided in the Minnesota Statutes Section 469.177, Subdivision 3, paragraph (a) is elected.

2.10. The Council finds additional public benefits alleviate a shortage of decent, safe and sanitary housing for persons of low or moderate income and their families, increases the number of housing units and choices within the city, remediates site contamination in accordance with state and federal regulations, supports strong and diverse neighborhoods where people choose to live, and is necessary in order to finance a portion of the public redevelopment activities essential to implement the project, and further, tax increment assistance is being utilized to subsidize the extraordinary cost of providing affordable rental housing at this site.



2.11. The Council further finds, determines and declares that it is necessary and in the best interests of the City at this time to approve the Plans.

**Section 3. Approval of the Plans**

3.1. Based upon the findings set forth in Section 2 hereof, the Plans presented to the Council on this date are hereby approved and shall be placed on file in the office of the City Clerk.

**Section 4. Implementation of the Plans**

4.1. The officers and staff of the City, and the City's consultants and counsel, are authorized and directed to proceed with the implementation of the Plans, and for this purpose to negotiate, draft, prepare and present to this Council for its consideration, as appropriate, all further modifications, resolutions, documents and contracts necessary for this purpose.

4.2. As provided under Minnesota Statutes, Section 469.1781, subd. 7, this Council hereby authorizes the advance of revenues from other available development revenues of the City in the principal amount needed to offset any negative fund balances incurred with respect to this District as a result of expenditures incurred prior to or in excess of the collection of tax increment revenue. The interest rate paid on such advances shall be equal to the rate of interest those revenues would have generated in their fund. The term of this advance shall end upon the termination of the District, although as revenues are available in the fund for the District, the advance shall be offset by such amounts.

Adopted 9/22/2006.

Absent - Colvin Roy.

Schiff moved that the Zoning & Planning Committee be discharged from further consideration of the applications submitted by the Ackerberg Group for rezoning and vacating properties at 1101 W Broadway Ave, 1831 Emerson Ave N, 1834, 1836, and 1838 Fremont Ave N to permit a commercial building with a coffee shop, credit union with drive-through, and offices with an accessory parking lot for it and adjacent commercial buildings. Seconded.

Adopted 9/22/2006.

Absent - Colvin Roy.

Approved by Mayor Rybak 9/25/2006.

(Published 9/27/2006)

Schiff moved concurrence with the recommendation of the Planning Commission regarding applications of the Ackerberg Group for a commercial building with a coffee shop, credit union with drive-through, and offices with an accessory parking lot for it and adjacent commercial buildings for the properties at 1101 W Broadway Ave, 1831 Emerson Ave N, 1834, 1836, and 1838 Fremont Ave N: a) to vacate a "T-shaped" Alley in Block 15, Gales Subdivision in Sherburne & Beebe's Addition; and, Part of said Alley in Block 35, Highland Park Addition to Minneapolis (#1504), subject to retention of easement rights by Qwest and Xcel Energy; and b) to rezone lot 3 of 1831 Emerson Ave N and all of 1834 Fremont Ave N by adding the Transitional Parking Overlay District to the existing R3 District, and to adopt the related findings prepared by the Department of Community Planning & Economic Development.

Schiff further moved passage of the accompanying resolution vacating said alley and passage of the accompanying ordinance amending the Zoning Code. Seconded.

Adopted 9/22/2006.

Absent - Colvin Roy.

Approved by Mayor Rybak 9/25/2006.

(Published 9/27/2006)

Resolution 2006R-491, vacating a "T-shaped" Alley in Block 15, Gales Subdivision in Sherburne & Beebe's Addition; and, Part of said Alley in Block 35, Highland Park Addition to Minneapolis (in the vicinity of 1101 W Broadway Ave, 1831 Emerson Ave N, 1834, 1836, and 1838 Fremont Ave N, #1504), was adopted 9/22/2006 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.



The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2006R-491**

**By Schiff**

**Vacating a “T – shaped” Alley in Block 15, Gales Subdivision in Sherburne & Beebe’s Addition; and, Part of said Alley in Block 35, Highland Park Addition to Minneapolis (#1504).**

Resolved by The City Council of The City of Minneapolis:

That part of the East-West alley in Block 35, Highland Park Addition to Minneapolis, Hennepin County, Minnesota and that part of the North-South alley in Block 15, Gales Subdivision in Sherburne & Beebe’s Addition to Minneapolis, Hennepin County, Minnesota, According to the recorded plats thereof, described as follows:

Beginning at the southeast corner of Lot 1, Block 35, of said Highland Park Addition to Minneapolis; thence Westerly along the south line of Lots 1, 2, 3, 4, 5, and 6, Block 35, of said Highland Park Addition, to the southwest corner of Lot 6, Block 35, of said Highland Park Addition; thence southerly along the easterly right of way of Fremont Avenue North, to the northwest corner of Lot 20, Block 15, of said Gales Subdivision in Sherburne & Beebe’s Addition to Minneapolis; thence Easterly along the north line of Lot 20, Block 15, of said Gales Subdivision in Sherburne & Beebe’s Addition, to the northeast corner of said Lot 20; thence Southerly along the east line of Lots 18, 19, & 20, Block 15, of said Gales Subdivision in Sherburne & Beebe’s Addition, to a point on the east line of said Lot 18 which is 26.00 feet north of the westerly extension of the south line of Lot 3, Block 15, of said Gales Subdivision in Sherburne & Beebe’s Addition; thence Easterly along a line that is 26.00 feet north of and parallel with the westerly extension of the southerly line of Lot 3, to the west line of said Lot 3; thence Northerly along the west line of Lot 1, 2, and 3, Block 15, of said Gales Subdivision in Sherburne & Beebe’s Addition, to the northwest corner of said Lot 1; thence Easterly along the north line of said Lot 1, to the northeast corner of said Lot 1; thence Northerly along the westerly right of way of Emerson Avenue North to the point of beginning is hereby vacated except that such vacation shall not affect the existing easement right and authority of Xcel Energy and Qwest Communications, their successors and assigns, to enter upon that portion of the afore described street which is described in regard to each of said corporation(s) as follows, to wit:

As to Xcel Energy: Easement rights in favor of Xcel Energy be retained throughout the entire length and width of the referenced vacation.

As to Qwest Communications: Easement rights in favor of Qwest Communications be retained throughout the entire length and width of the referenced vacation.

Adopted 9/22/2006.

Absent - Colvin Roy.

Approved by Mayor Rybak 9/25/2006.

Ordinance 2006-Or-107 amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the properties at 1831 Emerson Ave N and 1834 Fremont Ave N by adding the Transitional Parking Overlay District to the existing R3 District, was adopted 9/22/2006 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 2006-Or-107**

**By Schiff**

**1<sup>st</sup> & 2<sup>nd</sup> Readings: 9/22/2006**

**Amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally.**

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 521.30 of the above-entitled ordinance be amended by changing the zoning district for the following parcel of land, pursuant to MS 462.357:

That part of a portion of Block 015, Lot 3, Gales Subdivision, Sherburne Beebe Addition to Minneapolis (1831 Emerson Ave N) and Units 1 thru 4 included, Condo number 0399 Taha Condos (1834 Fremont Ave N) (Plate 8) by adding the Transitional Parking Overlay District to the existing R3 District.

Adopted 9/22/2006.

Absent - Colvin Roy.

Approved by Mayor Rybak 9/25/2006.

Samuels introduced an ordinance amending Title 12, Chapter 244 of the Minneapolis Code of Ordinances relating to *Housing: Maintenance Code*, which was given its first reading and referral to the Public Safety & Regulatory Services Committee (charging the property owner a \$100.00 administrative fee for Housing Inspection resources spent investigating water shut offs).

Glidden introduced the *subject matter* of the following ordinances, which were given their first reading and referred to the Public Safety & Regulatory Services and Transportation & Public Works Committees (adjusting meter hooding fees):

- a. Amending Title 18, Chapter 478 relating to *Traffic Code: Parking, Stopping and Standing*; and
- b. Amending Title 5, Chapter 93 relating to *Building Code: Safety Precautions: Protection of Public Property*.

Gordon introduced ordinances amending Title 12 of the Minneapolis Code of Ordinances relating to *Housing*, which were given their first reading and referred to the Health, Energy & Environment Committee (adding requirements that tenants be notified of arsenic testing, removal and remediation in South Minneapolis Neighborhood Soil Contamination Site; and establishing truth-in-housing disclosure requirements for environmental testing, removal or remediation):

- a. Chapter 244 relating to *Maintenance Code*
- b. Chapter 248 relating to *Truth in Sale of Housing*.

Remington introduced an ordinance amending Title 21 of the Minneapolis Code of Ordinances relating to *Interim Ordinances*, which was given its first reading and referred to the Zoning & Planning Committee (providing for a moratorium on building construction that exceeds the maximum height permitted as of right by the zoning code in the area of the Uptown Small Area Plan. Boundaries include all parcels with frontage on both Hennepin Ave and Franklin Ave W; parcels with frontage on Hennepin Ave south of Franklin Ave W and north of 28th St W; parcels within the area bounded by 28th St W, the Midtown Greenway/Hennepin County Regional Railroad Authority (HCRRA) right of way, Humboldt Ave S, and Bryant Ave S; parcels within the area bounded by the Midtown Greenway/HCRRA right of way, 31st St W, Calhoun Parkway E, and Bryant Ave S; parcels within the area bounded by 31st St W, 32nd St W, Holmes Ave S, and Fremont Ave S; and parcels which lie partially or completely within an area 150 feet east and west of the centerline of Hennepin Avenue between 32nd St W and 36th St W).

## RESOLUTION

Resolution 2006R-492, honoring E. Maurice "Morris" Nakumbe for his service to the City of Minneapolis as a Civil Service Commissioner, was adopted 9/22/2006 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2006R-492**

**By Ostrow, Gordon, Hofstede, Johnson, Samuels, Lilligren,  
Goodman, Glidden, Schiff, Remington, Benson, Colvin Roy and Hodges**

**Honoring E. Maurice “Morris” Nakumbe for his service to the City of Minneapolis as a Civil Service Commissioner.**

Whereas, Morris was appointed to the Civil Service Commission by Mayor Fraser in 1984; and  
Whereas, Morris has served seven consecutive three-year terms on the Civil Service Commission;  
and

Whereas, Morris served as Chair of the Civil Service Commission beginning in 1996; and

Whereas, as Chair, Morris presided over the second phase of the Human Resources Reform effort undertaken by the Commission in 2002; and

Whereas, Morris led the Civil Service Commission to an historic settlement of longstanding federal court oversight of the hiring practices of the Minneapolis Fire Department, under Carter v. Gallagher; and

Whereas, Morris will be remembered for his careful and methodical review of employee appeals and his courteous and able conduct of Civil Service Commission meetings and hearings; and

Whereas, the Civil Service Commission has functioned smoothly and collegially under his leadership;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That we thank E. Maurice Nakumbe for his outstanding service and dedication to the City of Minneapolis.

Be It Further Resolved that we express our best wishes to him in his future endeavors.

Adopted 9/22/2006.

Absent - Colvin Roy.

**UNFINISHED BUSINESS**

Passage of Ordinance amending Title 11, Chapter 223 of Code relating to *Health and Sanitation: Drugs*, restricting consumer access to aerosol paint; and Direct staff to convene task force to report back to Committee with recommendations for retail practices that keep spray paint away from juveniles, including options regarding storage of spray paint in retail stores, and suggestions for changes in State law to increase penalties for graffiti offenses (Postponed 9/1/2006).

Schiff moved that the report be postponed. Seconded.

Adopted upon a voice vote 9/22/2006.

Lilligren moved to adjourn to Room 315 City Hall to consider the matter of “In re the claim of Bruce Knight”. Seconded.

Adopted upon a voice vote 9/22/2006.

Room 315 City Hall

Minneapolis, Minnesota

September 22, 2006 - 11:10 a.m.

The Council met pursuant to adjournment.

President Johnson in the Chair.

Present – Gordon, Ostrow, Lilligren, Glidden, Remington, Benson, Goodman, Hodges, Samuels,  
President Johnson.

Absent - Hofstede, Schiff, Colvin Roy.

Heffern stated that the meeting may be closed for the purpose of discussing attorney-client privileged matters involving the matter of "In re the claim of Bruce Knight".

At 11:11 a.m., Lilligren moved that the meeting be closed. Seconded.  
Adopted upon a voice vote.

Present - Gordon, Hofstede (In at 11:15 a.m.), Ostrow, Lilligren, Schiff (In at 11:15 a.m.), Glidden, Remington, Benson, Goodman, Hodges, Samuels, President Johnson.

Absent - Colvin Roy.

Also present - Deputy Police Chief Don Harris; Peter Ginder, Deputy City Attorney; Assistant City Attorney Charles Brown; Jay Heffern, City Attorney; Merry Keefe, City Clerk; and Jackie Hanson, City Clerk's Office.

Assistant City Attorney Brown summarized the matter of "In re the claim of Bruce Knight" from 11:12 a.m. to 11:36 a.m.

At 11:36 a.m., Lilligren moved that the meeting be opened. Seconded.  
Adopted upon a voice vote.

Gordon moved that the City Attorney be authorized to settle the claim of Bruce Knight, in the amount of \$275,000, payable from Fund/Org 6900-150-1500-4000, and that the City Attorney's Office be authorized to execute any documents necessary to effectuate the settlement. Seconded.

Adopted 9/22/2006.

Absent - Colvin Roy.

The adjourned session of the City Council meeting was tape recorded with the tape on file in the office of the City Clerk.

Lilligren moved to adjourn. Seconded.  
Adopted by unanimous consent 9/22/2006.  
Absent - Colvin Roy.

Merry Keefe,  
City Clerk.

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